

Second Lieut. Roy B. Staver, Fifth Field Artillery, to be first lieutenant from March 17, 1908.

*Coast Artillery Corps.*

First Lieut. Theodore H. Koch, Coast Artillery Corps, to be captain from March 11, 1908.

Second Lieut. Clarence E. Seybt, Coast Artillery Corps, to be first lieutenant from January 1, 1908.

Second Lieut. Thomas F. McNeill, Coast Artillery Corps, to be first lieutenant from January 1, 1908.

Second Lieut. George M. Peek, Coast Artillery Corps, to be first lieutenant from January 3, 1908.

Second Lieut. Perry M. Gallup, Coast Artillery Corps, to be first lieutenant from January 20, 1908.

Second Lieut. William P. Wilson, Coast Artillery Corps, to be first lieutenant from January 21, 1908.

Second Lieut. Charles L. Williams, Coast Artillery Corps, to be first lieutenant from January 23, 1908.

Second Lieut. Alexander J. Stuart, Coast Artillery Corps, to be first lieutenant from March 11, 1908.

*Infantry.*

Maj. Colville P. Terrett, Eighth Infantry, to be lieutenant-colonel from March 14, 1908.

Capt. William M. Wright, Second Infantry, to be major from March 14, 1908.

Capt. André W. Brewster, Twenty-fifth Infantry, to be major from March 15, 1908.

First Lieut. Howard C. Price, Fifth Infantry, to be captain from March 14, 1908.

First Lieut. Eldred D. Warfield, Thirtieth Infantry, to be captain from March 14, 1908.

First Lieut. Walter B. McCaskey, Twenty-first Infantry, to be captain from March 14, 1908.

First Lieut. Frank R. Lang, Fifteenth Infantry, to be captain from March 14, 1908.

First Lieut. Oliver H. Dockery, jr., Third Infantry, to be captain from March 15, 1908.

First Lieut. John R. Thomas, jr., Seventeenth Infantry, to be captain from March 16, 1908.

First Lieut. Milton A. Elliott, jr., Thirteenth Infantry, to be captain from March 18, 1908.

POSTMASTERS.

CONNECTICUT.

George P. Edwards to be postmaster at Collinsville, Hartford County, Conn.

George W. Randall to be postmaster at Rockville, Tolland County, Conn.

Charles T. Welch to be postmaster at Windsor, Hartford County, Conn.

MAINE.

George A. Herrick to be postmaster at Madison, Somerset County, Me.

MASSACHUSETTS.

Orick H. Kelley to be postmaster at North Plymouth, Plymouth County, Mass.

Oliver P. Kendrick to be postmaster at West Brookfield, Worcester County, Mass.

Frank E. Nichols to be postmaster at Warren, Worcester County, Mass.

Edwin Smith to be postmaster at Mittineague, Hampden County, Mass.

Willis A. Taft to be postmaster at Oxford, Worcester County, Mass.

HOUSE OF REPRESENTATIVES.

MONDAY, March 30, 1908.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed joint resolution and bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. R. 71. Joint resolution to provide for the removal of obstructions from the main ship channel, Key West Harbor, Florida;

S. 6257. An act authorizing the Secretary of War to expend \$300,000 in protecting the banks of the Mississippi River at New Orleans, La.;

S. 4831. An act for the relief of Pembroke B. Banton; and  
S. 3023. An act to amend the national banking laws.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19158, the agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FOSTER of Vermont in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill, and the Clerk will read.

The Clerk read as follows:

General expenses, Forest Service: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, national forests, forest fires, and lumbering, but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United States; to advise and assist the owners of woodlands and lands within and adjacent to the national forests in the proper care of the same, to investigate and test American timber and timber trees, and their uses, and methods for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: *Provided*, That the cost of any building erected shall not exceed \$500; to pay all expenses necessary to protect, administer, improve, and extend the national forests, but no such extension shall be made except by the purchase of land or rights therein found to be necessary for such protection, administration, or improvement; and hereafter officials of the Forest Service designated by the Secretary of Agriculture shall, in all ways that are practicable, aid in the enforcement of the laws of the States or Territories with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game, and with respect to national forests, shall aid the other Federal Bureaus and Departments in the performance of the duties imposed on them by law; to ascertain the natural conditions upon and utilize the national forests, and hereafter the Secretary of Agriculture may from time to time divide and designate all lands heretofore or hereafter reserved for national forests under the provisions of section 24 of the act of March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes," after such lands have been so reserved, as he may deem best for administrative purposes; and hereafter the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests, except the Black Hills National Forest, in South Dakota, to be exported from the State, Territory, or the districts of Alaska and Porto Rico in which said forests are respectively situated: *Provided*, That the exportation of dead and insect-infested timber only from said Black Hills National Forest shall be allowed until such time as the Forester shall certify that the ravages of the destructive insects in said forest are practically checked; and hereafter permits for power plants within national forests may be made irrevocable, except for breach of condition, for such term, not exceeding fifty years, as the Secretary of Agriculture may by regulation prescribe, and land covered by such permits issued in pursuance of an application filed before entry, location, or application, subsequently approved under the act of June 11, 1906, shall in perpetuity remain subject to such permit and renewals thereof; and hereafter the Secretary of Agriculture, in his discretion, may, in behalf of the United States, accept lands for forest purposes, and, for the purpose of consolidating the national forests, may accept lands in exchange for lands or stumps from the national forests of substantially equal value; and hereafter all moneys received as contributions toward cooperative work in forest investigations or administration and in the protection and improvement of the national forests shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended as the Secretary of Agriculture may direct, for the payment of the expense of said investigations, administration, protection, and improvement by the Forest Service and for refunds of amounts heretofore or hereafter received in excess of the amounts found actually due; to transport and care for fish and game supplied to stock the national forests or the waters therein; to employ fiscal and other agents, clerks, assistants, and other labor required in practical forestry and in the administration of national forests, in the District of Columbia or elsewhere; and hereafter advances of money under any appropriation for the Forest Service may be made to the Forest Service and by authority of the Secretary of Agriculture to chiefs of field parties for fighting forest fires, and improving forests in emergency cases, who shall give bond under such rules and regulations and in such sum as the Secretary of Agriculture may direct, and accounts arising under such advances shall be rendered through and by the Department of Agriculture to the Treasury Department; to collate, digest, report, illustrate, and print the results of experiments and investigations made by the Forest Service; to purchase law books to an amount not exceeding \$500, necessary supplies, apparatus, and office fixtures, and technical books and technical journals for officers of the Forest Service stationed outside of Washington; to pay freight, express, telephone, and telegraph charges; for electric light and power, fuel, gas, ice, washing towels, and official traveling and other necessary expenses; and for rent in the District of Columbia and elsewhere, \$3,151,900.

Mr. MONDELL. Mr. Chairman, I reserve a point of order on this paragraph.

The CHAIRMAN. The Chair would suggest to the gentleman from Wyoming that it might expedite matters if he would designate the language to which the point of order applies.

Mr. MONDELL. For the present, Mr. Chairman, I reserve a point of order against the paragraph as a whole. I do that for the purpose of interrogating the chairman of the committee in regard to particular portions of the paragraph in relation to which I desire information.

Mr. CRUMPACKER. Mr. Chairman, I would like to make a parliamentary inquiry while this question is up.

The CHAIRMAN. The gentleman from Indiana will state it. Mr. CRUMPACKER. In view of the manner in which the gentleman from Wyoming has reserved his point of order to the paragraph I would like to know if that would prevent any member of the Committee of the Whole subsequently making or reserving a point of order to particular portions of the paragraph under consideration? I want to make a point of order as to some particular parts of it. If this is the time for me to reserve my point of order I want to do it now. If I can make the point later without losing my right I am willing to defer to the gentleman from Wyoming.

The CHAIRMAN. There is always opportunity for Members to raise particular points of order. The Chair called attention of the committee to the fact last week, that after a general point of order had been sustained and an amendment had been adopted by the committee it was then too late for a Member to raise an additional point of order.

Mr. SCOTT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FOSTER of Vermont, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19158, the agricultural appropriation bill, and had come to no resolution thereon.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan, from the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 20063) making appropriation to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1909, and for other purposes, which was read a first and second time and, with the accompanying papers, ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. FITZGERALD and Mr. BURLISON reserved all points of order on the bill.

#### AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FOSTER of Vermont in the chair.

Mr. WATKINS. Mr. Chairman, I wish to offer an amendment to this paragraph.

The CHAIRMAN. A point of order is now pending.

Mr. MONDELL. Mr. Chairman, in order that my purpose may be more clearly understood, I reserve a point of order against all new matter in the paragraph. My understanding is that the matter in lines 11, 12, and 13—"and no part of this appropriation shall be used for any experiment or test made outside of the jurisdiction of the United States"—is new matter, I would like to ask the chairman if that is true.

Mr. SCOTT. With the consent of the gentleman from Wyoming, I should be very glad to take up the new language, phrase by phrase, as it appears, calling his attention to it, submit a few remarks on the merits of the question, and then yield for any statement he may wish to make, and if he does not desire to make such statement he may insist on the point of order or withdraw it.

Mr. MONDELL. Mr. Chairman, my thought was that perhaps the most expeditious way in which to dispose of the paragraph would be to take up the new matter as we reach it and discuss the merits of a particular provision. A large portion of this paragraph is new matter, but it was my thought that we could dispose of the paragraph more expeditiously by taking up the items of new matter in that way. Then, after discussion of a certain provision of new matter, I could withdraw or insist upon the point of order so far as I was concerned. I thought in this way we could pass over one provision after another, and it would be better to do that than to attempt in one general statement to refer to a great variety of subjects treated by the various new provisions in the paragraph.

Mr. SCOTT. I quite agree with the suggestion of the gentleman from Wyoming, and with his permission I shall take up the first provision, page 22, lines 11, 12, and 13, which read as follows:

But no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United States.

The Comptroller of the Treasury has decided, in certain cases, that an appropriation bill, general in its terms, is restricted to continental United States, and the organized territories therein. This proposed legislation was deemed necessary to authorize the Department to conduct experiments and tests in Alaska and Porto Rico, where there are now national forests, and simply gives the same authority in those territories or possessions which the present law allows the Department to exercise within continental United States.

Mr. MONDELL. Then my understanding is that this paragraph simply authorizes the carrying on of experiments within our jurisdiction, and that it does widen, possibly, the present scope of the authority of the Bureau by allowing it to make experiments in Alaska, Porto Rico, and the Philippines.

Mr. SCOTT. The gentleman is entirely correct.

Mr. MONDELL. Do I understand that under this it would be possible for the Agricultural Department to carry on experiments in the Philippines, for instance?

Mr. SCOTT. I think so, because the language reads that no part of this appropriation shall be used for any experiments or tests made outside the jurisdiction of the United States. Undoubtedly the Philippine Islands are within the jurisdiction of the United States, and this language would therefore authorize the Department to make these experiments and tests within those islands.

Mr. MONDELL. I want to ask the gentleman if his committee considered the question of the advisability of carrying on experiments in the Philippines, let us say, with appropriations made on the agricultural bill, whether the committee discussed that matter or not, and whether, if they discussed it, they concluded it would be wise to do so.

Mr. SCOTT. That matter was not discussed before the committee. The statement was made by the Chief of the Forest Service that this language was desired in order to allow the work to be done in Porto Rico and Alaska. He said nothing about the Philippines, and that matter did not come into the discussion. I understand, of course, that work of this character done in the Philippine Islands ought to be done at the cost of the islands treasury, and if the gentleman desires to limit it in the way his suggestion implies I would have no objection.

Mr. MONDELL. I would say that as far as I am concerned I have no objection to this language and its intent, except that it occurs to me—and I think the chairman of the committee probably agrees with that view—that it would not be wise to authorize work under this bill to be carried on in the Philippine Islands.

Mr. SCOTT. I entirely agree with that view, and have no doubt that the Forest Service would take the same view. I know it is the present expectation of the Chief that this work is to be extended only to Alaska and Porto Rico, and I think it would be entirely safe to allow the language to remain in its present form.

Mr. SMITH of California. Is the chairman certain that the language he has employed will reach the purpose that he has in view? Are you not giving to the Department additional authority by the language of this addition? We are discussing the language—

That no part of this appropriation shall be used outside the jurisdiction of the United States—

and that proposition, it seems to me, would go without saying. It does not say that it shall not be used outside continental United States, but that it may not be used in Africa or some place beyond the jurisdiction of the United States.

Mr. SCOTT. Ordinarily it would go without saying, but, as I explained, the Comptroller has held that an appropriation bill general in its terms must apply only to continental United States, and the language which we are discussing was put in this peculiar form in order that it might escape the point of order and appear as it actually is, a limitation on an appropriation.

Mr. SMITH of California. By inference extending the scope of operations to other countries, without expressly declaring it.

Mr. SCOTT. I do not think this language could possibly be construed as extending this work to other countries, because it expressly limits it to countries within the jurisdiction of the United States.

Mr. SMITH of California. Does it extend it to anything more than the general law?

Mr. SCOTT. Not at all.

Mr. SMITH of California. Then it does not accomplish anything.

Mr. SCOTT. It does not apply to anything except the general terms of this appropriation.



Mr. SMITH of California. I understand the gentleman to say that the general statute with reference to the Forest Service is applicable only to continental United States.

Mr. SCOTT. So far as it makes an appropriation, yes.

Mr. SMITH of California. Does not this really say, in a negative way, that the appropriation shall not be used outside of the United States?

Mr. SCOTT. Does the gentleman concede that Alaska and Porto Rico are within the United States?

Mr. SMITH of California. Yes; but this does not say that the appropriation may be used in all parts of our territory, whereas the general law—

Mr. SCOTT. It simply implies that by saying it shall not be used anywhere without our territory.

Mr. SMITH of California. If the general statutes limit the operations of the Forestry Department to continental United States, why, I doubt very much whether this negative expression extends to the Philippines, Porto Rico, and Alaska. It merely says it shall not be used in—

Mr. SCOTT. Well, I think that when you use language limiting that appropriation to territory within the jurisdiction of the United States you certainly by those terms carry that language to all parts of the United States, and I think that the construction placed upon it by the gentleman from Wyoming is entirely justified. In further assurance to him, however, that it will not be used to extend the work of the Forestry Service to the Philippine Islands, I think I may say that we have no national forests in the Philippines—

Mr. MONDELL. Is not that true also of Hawaii?

Mr. CRUMPACKER. And Porto Rico.

Mr. SCOTT. No; we have a small forest reserve in Porto Rico.

Mr. CRUMPACKER. I remember of our having put through a law transferring the title of all public lands in Porto Rico, with the exception possibly of one part, to the insular people, to the people of the island, and every foot of land in the Philippines, except military and national reservations, is in the government of the Philippines, and they have a complete forestry system and forestry bureau of their own.

Mr. SCOTT. The gentleman is eminently correct.

Mr. MONDELL. Is not that true of Hawaii?

Mr. SCOTT. My understanding is it is true, in part.

Mr. MONDELL. Would not the chairman be willing to accept an amendment to this language, if it does not go out, excepting Hawaii and the Philippines?

Mr. SCOTT. I will be entirely willing to accept that language.

Mr. MONDELL. Well, Mr. Chairman, so far as the language under discussion is concerned, with the understanding that at the proper time the committee will offer an amendment limiting this extension so that it may not include Hawaii and the Philippines, I shall not insist upon my point of order.

Mr. NORRIS. Mr. Chairman, I would like to ask the gentleman why he excepts Hawaii.

Mr. MONDELL. Well, we have no forest reserve in Hawaii, and the public lands of Hawaii are under the jurisdiction of the Territory, and not under the jurisdiction of the officers of the United States. I believe the people of those islands are well qualified to take care of the question of forestry within the islands.

Mr. NORRIS. That may all be true, but at the same time if it is true there would not be any danger of the Agricultural Department expending any money there. Hawaii is a Territory of the United States, and jurisdiction extends over it the same as any other Territory.

Mr. MONDELL. With this difference, that we have no forest reserve there and we are doing no forestry work there.

Mr. NORRIS. Then there would not be any danger.

Mr. MONDELL. There might be a great deal of money expended in Hawaii for investigations and these investigations paid out of the Treasury of the United States and appropriations made under this bill. Now, the Agricultural Committee is not considering the need of Hawaii in this bill and in the appropriation which they have made under the bill, and why should we extend the provisions of the bill to a Territory that has not been considered?

Mr. SCOTT. Mr. Chairman, I understand the gentleman from Wyoming has withdrawn his point of order with the understanding that an amendment will be offered later.

Mr. NORRIS. I do not want to agree to that.

Mr. SCOTT. I mean to this particular language, to the first new language in the paragraph.

Mr. MONDELL. Mr. Chairman, the House will have an opportunity to pass upon any amendment which is offered.

I simply withdraw my point of order, with the understanding that the committee will offer an amendment.

Mr. MADDEN. Mr. Chairman, I make a point of order, or rather, I reserve it.

Mr. SCOTT. Mr. Chairman, I have no desire to protract the discussion, and if the gentleman from Illinois makes the point of order I am ready for the Chair to rule. I merely wish to suggest to the Chair that, in my opinion, the language in question is not subject to the point of order. It merely limits the appropriation to the jurisdiction of the United States, which I think we have a right to do.

The CHAIRMAN. The Chair did not understand fully what the chairman of the committee said in his opening remarks concerning the Treasury Department.

Mr. MADDEN. Mr. Chairman, owing to a misunderstanding as to the language referred to, I withdraw my point of order.

Mr. SCOTT. Now, Mr. Chairman, the next new language to which the gentleman from Wyoming [Mr. MONDELL] has reserved the point of order appears on page 22, lines 13 to 15, where the entire phrase is as follows:

To advise and assist the owners of woodlands and lands within and adjacent to the national forests in the proper care of the same.

The new language there consists of the words "and assist" and the words "lands within and adjacent to the national forests." The current law contains the words "to advise the owners of woodlands in the proper care of the same." The words "and assist" were inserted because they more nearly cover the work that sometimes is done in the line of cooperation with the owners of private woodlands.

The general law creating forest reserves and transferring them to the Department of Agriculture authorizes the Forest Service to cooperate with private landowners in administering their lands and in conducting operations upon them. So this language is simply inserted in order to specifically provide for the carrying out of the general provisions of the law.

Mr. NORRIS. Will the gentleman permit a question there?

Mr. SCOTT. Yes.

Mr. NORRIS. Why is it limited to forests within and adjacent to the national forests? If you take any forests outside of the national forests, why not let it be general? Say that he can assist owners adjacent to national forests and any others.

Mr. SCOTT. Well, the particular reason for inserting the language "and lands within and adjacent to the national forests" is that there are a great many tracts of land which are within or adjacent to national forests owned by States, and owned by railroad companies, where land grants took effect before the forests were set apart, and it is peculiarly of value, both to the Forest Service and to the private owners, whether they be States or corporations, that this cooperative work should be done in such cases.

Mr. NORRIS. I can see how all that is true, that it would be peculiarly to their advantage, but at the same time I do not see why that peculiar advantage should be limited to men who happen to own land that is adjacent to a national forest or within a national forest. Why should they be favored more than others?

Mr. SCOTT. I do not think the Forest Service ought to be permitted to get entirely away from a national forest and assist the owner of woodland in improving it or in doing any work in connection with it. The word "assist" in this connection means actual physical assistance, as I take it. It does not mean mere advice or suggestion. Under other language in the bill the Bureau can advise with the owners of woodlands in any part of the United States as to the best administration for those lands. But we do not authorize the Bureau to assist those men in a cooperative way, the construction of trails or roads, or anything of that kind, for the reason that such work, while it would be of advantage to the private owner, would not contribute to the development or to the value of national forests.

Mr. MADDEN. Will the gentleman yield to a question?

Mr. SCOTT. With pleasure.

Mr. MADDEN. In what particular way are they authorized to assist here under this item?

Mr. SCOTT. Well, this kind of work is done under the language referred to. A county, for example, may wish to cooperate with the Forest Service in building a bridge across a stream which is within or adjacent to a national forest, or the owner of a large tract of woodland, say, one of the States, may wish to cooperate with the Forest Service in building a drift fence or fire lane, or constructing trails or roads through the forest that may be mutually beneficial both to the State lands and to the national forest.

Mr. MADDEN. Do I understand that this would give authority to construct roads at the national expense?

Mr. SCOTT. It would give authority for the Forest Service

to contribute part of the expense for the construction of the road, the remainder of the expense to be borne by the other party in interest, and it is provided for, I will say, in the general law.

Mr. MADDEN. Would not that be contrary to the general policy of the National Government on the question of the construction of roads out of the National Treasury as in contradistinction to which they are constructed now from the local treasury?

Mr. SCOTT. No; for the reason that these roads are constructed on Government property, and the Government has always been willing to do that kind of work.

Mr. NORRIS. Will the gentleman permit me to ask him a further question?

Mr. SCOTT. With great pleasure.

Mr. NORRIS. Now, it seems to me that the gentleman is certainly mistaken as to the meaning of the language referred to. I take it from the language in the bill, which is subject, as I understand it, to the point of order, there is no authority for the Government to expend any money or give any aid to the building of a road through any of this adjacent land. The language says, "in the proper care of the same"—which is, the owners of this land in and adjacent to a national forest "shall have assistance in the proper care of the same." That is, I understand, that it should build the road. And now I submit to the gentleman that we ought not by positive enactment of law to provide that the Agricultural Department shall assist in the preservation of these forests simply because they happen to be adjacent to lands that belong to the Government of the United States.

Mr. SCOTT. The general law fully authorizes the Forest Service to cooperate with private individuals, corporations, or municipalities in work that may be equally valuable both to the national forests and other parties in interest; and it is my judgment that the language which is inserted in the paragraph is not subject to the point of order. I do not care to discuss the matter any further.

The CHAIRMAN. The Chair would like to hear the gentleman from Wyoming on the point of order.

Mr. MONDELL. Mr. Chairman, this language is clearly subject to the point of order. If it were not subject to the point of order it would not be here. If this were existing law, it would not be necessary to write it into this bill. I do not quite agree with the chairman of the committee as to the broad scope of this amendment. Had it as wide an application as he seems to think it has it would be even more objectionable than it is.

It is quite objectionable enough with a much narrower construction of its meaning. It clearly gives the Secretary the power under this appropriation to assist, and assist as far as he may see fit to do so, and at as great expense as he may care to make, to assist in the proper care of woodlands. In other words, he could provide a number of laborers for clearing up a park or a woodland. He could under this appropriation improve or assist in the improvement of any woodland in the United States. He could under this appropriation send men into any timber land in the United States for the purpose of piling the brush and clearing the ground, for the purpose of doing anything and everything that might tend to improve the forest. In other words, under this language the Secretary of Agriculture would become the caretaker, the gardener, and park director of all the timber lands in all the United States. Clearly there is no such authority in the present law. It simply gives him authority to advise the owners of woodlands as to the proper care of the same.

That is the language of the present law; and clearly this is subject to the point of order and is very dangerous legislation. I insist on the point of order as to the words "and," at the end of line 13, and the word "assist," at the beginning of line 14, and the words "and lands," on line 14, and the words "within and adjacent to the national forests," in lines 14 and 15.

The CHAIRMAN. It appears to the Chair that this is new legislation, and the Chair sustains the point of order.

Mr. SCOTT. Mr. Chairman, the next new language occurs on page 22, lines 23 and 25, and is as follows:

But no such extension shall be made except by the purchase of land or rights therein found to be necessary for such protection, administration, or improvement.

If the point of order is withdrawn against this language or overruled, I shall ask to amend it so that it will read:

That no part of this appropriation shall be used for such extensions except by the purchase of land or rights therein found to be necessary for such protection, administration, or improvement.

Mr. Chairman, the language in the act of February 1, 1905, provided that "all moneys received from the sale of products or the right of use of any land within said forest reserve," and so forth, "shall constitute a special fund, available until ex-

ended, as the Secretary may direct, for the protection, administration, and improvement of existing Federal forest reserves." It seemed to your committee that the use of that word "extension" without any limitation was a dangerous provision to be allowed to remain in the law, because under that language some chief of the Forest Service might think himself warranted in going to the Atlantic slope and extending National Forests by buying additional territory there.

Mr. MONDELL. The gentleman understands, of course, that if that language at any time could have had such a construction, it certainly could not at this time as regards these States as to whose territory there is a prohibition against the creation or extension of forest reserves at this time.

Mr. SCOTT. The gentleman from Wyoming will remember that there are only six such States. It is possible that among the other forty States it might be so construed under the original language I have quoted. One purpose of the new language was to limit the kind of extension, so it would be used to authorize only the purchase of land such as might be needed adjacent to national forests or already within the national forests.

The reason why such authority is needed sometimes is this: There might be land within the national forests—a homestead, for example—located at such a place with respect to water or some other necessary convenience as to make it practically necessary for the administration of the forest reserve that it should be a part of the forest in order that the ranger or inspector or some other employee might live there. It might be the only place within the forest available for a residence, and for that reason a purchase by the Service ought to be allowed; and for a similar reason there might be a tract of land immediately adjacent to the national forest where water or other conveniences are to be had and which is so located as to make it especially desirable as a ranger station. The Service ought to have the right to buy property so located; but that is the only authority which it ought to have in this direction.

Mr. MADDEN. I would like to ask the gentleman a question.

Mr. SCOTT. I will yield to the gentleman.

Mr. MADDEN. Is there any limitation as to how much money can be expended by any provision in the bill as it reads now?

Mr. SCOTT. No; only we are very certain that less money can be expended now than might be expended if the language of the law were not changed.

Mr. MADDEN. It gives now almost unlimited latitude.

Mr. SCOTT. Not so much as it would with this language out. They have now the latitude to spend just as much money as they would have under this language, and, in addition to that, they have the latitude to go clear away and buy property vastly greater in extent than they would have under the language that we put in.

Mr. MADDEN. This language is used for the purpose of limiting the power to purchase additional land?

Mr. SCOTT. Yes; to limit the scope of the word "extension."

Mr. BONYNGE. Does the gentleman refer to the act of 1905 when he says they have unlimited power in purchasing additional land?

Mr. SCOTT. It amounts to very nearly that.

Mr. BONYNGE. Is not the Forester compelled under the act of 1905 in the future to turn into the Treasury all money derived from forest products? He can only use such money as may be specifically appropriated for such purposes as Congress may authorize?

Mr. SCOTT. That is true; but the right to extend the forests still remains. All money received from the sale of forest products and the use of forest products goes into the Treasury instead of being used as a revolving fund. But the language which authorizes the Secretary to extend the national forests has not been eliminated.

Mr. BONYNGE. The amount he may use is limited by the amount appropriated in the bill.

Mr. SCOTT. It is limited, undoubtedly, to the appropriation carried in the bill.

Mr. SMITH of California. Do I understand the purpose of this provision is to take away from the Secretary of Agriculture the authority to extend the forest reserve over new territory?

Mr. SCOTT. Except as limited by the language. The new language is suggested simply to limit the scope of the word "extension."

Mr. SMITH of California. I suppose there is no question but what the language under consideration is obnoxious to the rule and must go out if the point of order is insisted upon, but I very much hope that the point of order will not be urged and that the provision may be left in the bill. An effort is being made to include in the national forest reserve one of the most



beautiful agricultural valleys in the West. I have been resisting it in season and out of season for nearly a year, and I am not certain now whether I am going to win out or the other side is going to win out. If I was to state to the House the ultimate purpose which the Department has in including that valley in the forest reserve Members would be shocked.

Mr. MONDELL. Mr. Chairman, I am sure the Members of the House would like to have the gentleman from California state what the view and what the purpose of the Department is. I think it is important that we should know.

Mr. SMITH of California. I have no desire, Mr. Chairman, to reflect upon the Forest Service or the forestry policy generally. I am very friendly to it. It is working very great good in the West, and is popular among the people generally; and yet I say to you in all seriousness, weighing my words well, that it is working some great outrages upon certain interests in the western part of the country. I refer particularly to the manipulation of water rights acquired under the laws of the State of California, and in this valley I have referred to, the announced purpose of including that valley in a forest reserve is to get control of our water rights and deny them to one person by refusing permission for a right of way for the construction of canals and granting the rights to another; and I can give the committee a number of specific instances where that thing has been done.

Mr. HARRISON. Will the gentleman yield?

Mr. SMITH of California. Certainly.

Mr. HARRISON. Does the gentleman refer to the acquirement by the National Government of the Kent Grove on Mount Tamil Pass, California?

Mr. SMITH of California. Not at all.

Mr. HARRISON. Is not that a case where the acquirement of that grove by the National Government prevented a water company from condemning a large part of the park?

Mr. SMITH of California. I am not familiar with that case at all and express no opinion about it. I am referring particularly to the Owens River Valley where, to my knowledge, a number of cases have arisen where people have appropriated the water under the laws of the State of California and have then applied to the Forestry Department for a right of way over the forestry lands that they may construct their canals. Of course, a water appropriation is utterly valueless unless you can get the right of way and construct your canals. I know of a number of instances where they have refused the right of way to the first appropriator and granted it to the second or to a later one. And I am told in the Forestry Department by many of the subordinates there, and it is not denied by the Chief of that department, that the purpose in extending the forest reserve over the Owens River Valley is to get control of the water rights on that stream and parcel them out to those who they think ought to have them, in utter disregard of the law of the State of California. I say it is an outrage, and it is the one thing in the Forestry Service that I shall denounce upon every occasion, although I am exceedingly friendly to the general purposes and plans of the department as it is working out in the West.

Mr. POLLARD. I would like to ask the gentleman a question. The CHAIRMAN. Does the gentleman yield?

Mr. SMITH of California. Certainly, with pleasure.

Mr. POLLARD. In the instance to which the gentleman refers, is it not a fact that the policy or rather the intention of the department is to prevent this one company to which the gentleman refers having a monopoly on the water power there?

Mr. SMITH of California. No; it is exactly the opposite. It is to throw all of the water of that stream into one control.

Mr. POLLARD. Mr. Chairman, may I ask the gentleman another question?

Mr. SMITH of California. Yes.

Mr. POLLARD. I should like to ask the gentleman whether that matter has been carried beyond the local forester?

Mr. SMITH of California. At the present time it is pending before the Secretary of the Interior. I have been doing all that I could to block the progress of the movement from the time it began, and argued my point before the Forester, and understand that I was overruled.

Mr. POLLARD. Does the gentleman mean the local forester in California or the Chief?

Mr. SMITH of California. I mean the Chief, Mr. Pinchot. I have not seen his report, but I understand it is in favor of the extension of the forest. The matter is now pending before the Secretary of the Interior, and he is waiting the arrival of certain remonstrances that are in the mail on the way from California that I may present them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of California. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. POLLARD. I should like to inquire of the gentleman whether or not there are other factors that enter into that; whether this water supply the gentleman speaks of does not hold the key to the forestry situation there?

Mr. SMITH of California. Not in the least.

Mr. POLLARD. Where the stock that is grazing could have access to the water.

Mr. SMITH of California. Not at all. There is not one single element of forestry in the problem, nor is there claimed to be by the Forestry Department. Now, I am using strong language, and I invite any gentleman on this floor to go to Mr. Pinchot and verify it and see if my statement is not absolutely correct. It is not pretended to be a forestry matter in any sense of the word, except for the purpose of getting control of the water appropriations on Owens River, and I can scarcely trust myself, in a parliamentary body, to express the indignation and outrage that I feel and that the people of that valley feel at what is going on in that department of the Government.

It is declared to be the purpose and said to be done at the instance of one of the parties who desires to secure the waters of that valley for irrigation purposes.

Mr. SCOTT. Will the gentleman pardon an interruption?

Mr. SMITH of California. Yes; certainly.

Mr. SCOTT. The gentleman does not mean to convey the impression that Mr. Pinchot, the Chief of the Bureau, gives as his reason for this that he wants to secure this water for some private individual? I should like to have the gentleman state the answer that Mr. Pinchot gives to the arguments which the gentleman advanced.

Mr. SMITH of California. Mr. Pinchot himself has never said to me in specific language exactly what his purpose was, but every subordinate in his office, from the women stenographers up, tell me that the purpose of that is to get control of the water rights, as I have indicated, and Mr. Pinchot will not deny it; but he has said to me that the moving purpose, the interests which requested him to extend the forest boundary, were the parties who desired to secure control of that water for irrigation in opposition to other irrigation projects that are contemplated, and where other parties have made earlier appropriations of the water than the one which he desires to serve.

Mr. SCOTT. Is it or is it not true that the water rights now are practically monopolized by one corporation, and that Mr. Pinchot desires to get control of them in order that those rights may be distributed among all the people?

Mr. SMITH of California. On the contrary, it is exactly the opposite. There are a half dozen appropriations of water on that river which he is endeavoring to defeat, in order that the water may all fall into the hands of one party.

Mr. MONDELL. Will the gentleman yield to me for a moment?

Mr. SMITH of California. Certainly.

Mr. MONDELL. Along the lines suggested by the chairman of the committee, I should like to know what authority Mr. Pinchot has for going up and down the country dividing water rights in the State of California. Does the gentleman know?

Mr. SMITH of California. Has the gentleman read Coniston, and does he remember Jethro Bass?

Mr. MONDELL. Very well.

Mr. SMITH of California. Jethro Bass never said to a man when he wanted him to vote his way, "If you don't I will foreclose your mortgage," but he always let him understand that he held the mortgage. Mr. Pinchot does not say that he is going to interfere with water rights per se, but he does desire and is endeavoring to control the right of way, and that is the material thing. You can not construct a ditch without a right of way. You can not bring the Government into court and sue it and obtain a condemnation, and therefore you are up against Jethro Bass.

Mr. MONDELL. Who has his successors in type.

Mr. SMITH of California. Who holds the mortgage.

Mr. MONDELL. I wish to ask the gentleman if the land which it is proposed to include in this extension of the forest reserve contains any considerable amount of timber?

Mr. SMITH of California. None at all. There is not a stick of timber, except a few scattering cottonwood and willow trees which have sprung up along damp places, as is always the case where irrigation is practiced. There is not a forest tree. It would be little less than a sin to devote that beautiful agricultural valley to forest purposes, to lay it waste as is contemplated by this plan, to lay forever waste that beautiful valley, in order that the water may be carried out of it for irrigation of a distant valley. Let me tell you what they did last year, now that we are on this very important subject. The Govern-

ment of the United States has something like 150,000 or 200,000 acres of agricultural land in that valley. The Reclamation Service has made two reports upon irrigation projects. In the first one there was a very elaborate report upon the condition of the soil and the opportunities for irrigation, which stated that there were about 80,000 acres of first-class land and about 70,000 acres of second-class land, it being second-class in the sense that it would require a little more effort to level the surface.

The Government of the United States had the first appropriation on the waters of that stream taken up by Mr. Lippincott in the interest of and in the name of the United States that it might use it for the reclamation and fertilization of that valley. Two plans were examined for a project. One was estimated to cost \$20 per acre, including a large reservoir that would impound the winter floods. The other was estimated to cost from \$5 to \$6 an acre. I say there has not been another such favorable project for irrigation proposed anywhere in the United States, and the records of the Reclamation Service will show that they have no project now under way where the cost is as low.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of California. May I have five minutes more?

The CHAIRMAN. The gentleman from California asks unanimous consent to continue for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of California. The second project contemplated an expenditure of \$300,000 to irrigate from 50,000 to 75,000 acres of this land—that is, at from \$4 to \$6 an acre. There were other parties who wanted the water for irrigation for a remote valley entirely outside of the watershed. The Reclamation Service abandoned its irrigation project in that valley because on the surface it was said that they could not spend \$300,000 at that time in the irrigation of this land.

Thereby they lost the water rights to many thousands of miner's inches, which would have irrigated that valley, and it thereby allowed later claimants to go in and claim the water. At the very time they declined to set aside \$300,000 to irrigate Government land at a cost of \$4 to \$6 an acre they did set aside \$600,000 to irrigate private land at \$50 an acre. That is within the last year. Now, I do not want to appear before the House as in any sense hostile to the forestry policy, but this matter of the manipulation of California water rights, and it may be the same in other States, I say has gone beyond the bounds of endurance. In this same valley there was another case I will mention. A party had taken a water right and begun to construct a power plant and had expended \$200,000 or \$300,000, and then decided it would like to move the location of the power plant itself 1 mile, and that mile lay over a Government section, and they applied to the Forestry Department for right of way over that 1 mile of land so they could shift the power plant down the stream. They were held up over a year and finally were given the right to construct the plant over that mile only upon condition that they would sacrifice a portion of their water right, which they had obtained under the laws of California, and bind themselves in a contract never to call for more than a stipulated number of inches of water. Now, if you think we are having an easy time in the West in this connection, I ask you to come out and take hold of some of these enterprises and see if you can move them. There ought to be thousands of picks and shovels at work in California to-day constructing power plants, but there is not one. Why? Because you can not get the right of way over the public domain.

Mr. GAINES of Tennessee. Will the gentleman yield for an inquiry?

Mr. SMITH of California. Certainly.

Mr. GAINES of Tennessee. Do you remember the Public Lands Committee granted a franchise to the people of Los Angeles to tap some waters which the Government owned up the country some 250 miles?

Mr. SMITH of California. Yes, sir.

Mr. GAINES of Tennessee. And a water monopoly came here before the committee and wanted to fight and choke them off, but we gave it to them, nevertheless. Now, what has been done with that?

Mr. SMITH of California. There has been nothing done except some surveys and some efforts to finance that undertaking.

Mr. GAINES of Tennessee. What has the water monopoly done that came here to fight it?

Mr. SMITH of California. There was no water monopoly fighting the proposition. You are mistaken there. There were certain companies interested in power plants—

Mr. GAINES of Tennessee. I understood they controlled all the water about Los Angeles, did they not?

Mr. SMITH of California. This has nothing to do with them at all; this is 250 miles away.

Mr. GAINES of Tennessee. I thought we were trying to protect the people there from a water monopoly.

Mr. SMITH of California. There were some power companies before the committee desiring to protect their rights, which were protected, and the matter proceeded.

Mr. COOK of Colorado. Will the gentleman yield to a question?

Mr. SMITH of California. I yield to the gentleman from Colorado.

Mr. COOK of Colorado. I would like to ask the gentleman from California if, in his various conversations with Mr. Pinchot relative to the water within the boundary line, or the State water, he has not referred to the water as "our water?"

Mr. SMITH of California. I am not certain that I recall that pronoun in the discussion. I think he has generally, in his language, disclaimed any right to control the water; but he persistently asserts the right to control the right of way, which, of course, is the key to the situation. And I have in my hand here the form of an agreement.

Mr. COOK of Colorado. May I ask another question?

Mr. SMITH of California. Certainly.

Mr. COOK of Colorado. I desire to say for the information of the gentleman, in the hearings before the Agricultural Committee Mr. Pinchot made that statement, notwithstanding the fact that the recent decision of the Supreme Court of the United States in the Kansas-Colorado case was that the water of Colorado belong to the people of that State, the Arkansas River not being a navigable stream.

Mr. SMITH of California. I read the statement of Mr. Pinchot before the Agricultural Committee with a great deal of interest, and my mind constantly reverted to the character I have referred to this morning, the Hon. Jethro Bass. He did not say he was going to control the water rights, but he constantly referred to the fact that he did control the right of way.

I have in my hand an agreement which the Forestry Department offered to the companies in California now seeking to construct an extensive and far-reaching power plant. It is the most ingenious document I ever saw. It is in the form of an application by the party, wherein he asks to be permitted to do the things the Forestry Department wants him to do, and at the last of it the officer in charge says, "I approve," and signs his name. Thereby, in the future occasions when we have occasion to look back at this matter, it will appear that the parties got all they asked for, and it might put them in a very embarrassing position. Now, I desire to call attention to this, and I will put it in the Record, if the House permits, in order that the House may be advised as to the condition of things prevailing on the public domain within the forest reserves. We have heard some talk, and a great deal of talk from high sources, about the control of monopolies in water power. Well, if I would go out here and blow up a bridge on the Pennsylvania Railroad system, I suppose I would prevent a monopoly in the coal-carrying trade, and so, as far as I can see, the only interference with the monopoly of power in the West is the prevention of the construction of power plants by imposing terms and conditions which the power companies can not grant.

Mr. WEEKS. Mr. Chairman, I would like to ask the gentleman from California a question.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. SMITH of California. I am consuming much more time than I intended, but if the House will grant me five minutes more—

The CHAIRMAN. The gentleman from California asks unanimous consent that he may have five minutes more. Is there objection?

There was no objection.

Mr. WEEKS. Mr. Chairman, it seems to me that the gentleman from California [Mr. SMITH] has made a pretty serious charge against the Forester. I would like to know if he can explain to the committee any sufficient reason why the Forester should apparently have taken such course as he describes? Why has he done it?

Mr. SMITH of California. I think, perhaps, in justice to the House I should throw one side light on this question. The party that I have referred to as desiring to obtain this monopoly of the water in the valley is the city of Los Angeles. Now, bear in mind in that connection that the city does not desire the water, and does not claim the water, and does not assert any intention of using the water for municipal purposes. It has acquired perfect water rights to a very large amount of water for city purposes otherwise, but it does desire to acquire all the surplus



water of that valley and carry it entirely out of the valley, 250 miles away, through 20 miles of mountain tunnel, for the irrigation of lands adjacent to Los Angeles; and I think that the honorable Forester predicates his extraordinary position upon the belief that it is wise to destroy private irrigation enterprises that they may be thrown into the hands of a municipality which is proposing to construct an irrigation system—a doctrine I do not subscribe to in any sense at all. He and I differ very widely on that.

Mr. GAINES of Tennessee. Mr. Chairman, will the gentleman yield to me?

Mr. SMITH of California. Certainly.

Mr. GAINES of Tennessee. I did not know the gentleman was addressing himself to the Los Angeles scheme as to the mains for water. Was it not claimed that the amount of water was absolutely necessary for Los Angeles?

Mr. SMITH of California. No, sir.

Mr. GAINES of Tennessee. Was not that the principle of the bill?

Mr. SMITH of California. It was recommended by the then Secretary of the Interior that only municipal water be carried over the right of way granted by that bill, but you will remember that when we were considering that in the committee a letter arrived before the committee from the White House which denounced that proposition in the bill, and the committee thereupon receded from that, and the bill passed without that provision in it.

Mr. GAINES of Tennessee. Did not Senator FLINT and other leading citizens come in before the committee and urge the passage of that bill for the salvation of Los Angeles, and in order to procure it they were willing to build a main of 200 miles to furnish enough of the water taken from that area to supply necessary water for Los Angeles?

Mr. SMITH of California. There was no question about the situation as it existed at Los Angeles and its urgent necessity for water. I have no disposition to interfere with their getting all the water they need for municipal purposes; but the question is as to whether they shall take out water for irrigation purposes from the supply in Owens Valley, lying along the banks of the river.

Mr. GAINES of Tennessee. Did not the gentleman vote for that bill in the committee?

Mr. SMITH of California. Yes, sir.

Mr. GAINES of Tennessee. Well, now you are criticising the bill.

Mr. SMITH of California. I am not criticising it at all.

Mr. GAINES of Tennessee. I thought you were.

Mr. SMITH of California. The bill merely gave the right of way to take the water out.

Mr. GAINES of Tennessee. And the building of such water mains as necessary to get it down to the city of Los Angeles.

Mr. SMITH of California. Now, the bill had nothing to say whatever in reference to the water or the amount of water.

Mr. GAINES of Tennessee. Was there any evidence before that committee that if we deprived it of this water for the benefit of Los Angeles it would destroy the taxable value of their property?

Mr. SMITH of California. I have stated it very clearly what the point at issue was.

Mr. GAINES of Tennessee. As I remember it, we clearly guarded all the water rights.

Mr. SMITH of California. It cares for the city's regular water rights, and if it had not been for the interference of the Forest Department and its present desire to extend the forest boundaries so that it may in some way interfere with the use and enjoyment of the water rights of others acquired under the laws of California there would be no trouble about it.

Mr. GAINES of Tennessee. Does the gentleman object to that bill now?

Mr. SMITH of California. No; I would like to see it carried out in substance as the Secretary of the Interior recommended it.

Mr. GAINES of Tennessee. Did it not become law?

Mr. SMITH of California. It did.

Mr. GAINES of Tennessee. Is the gentleman endeavoring to have it repealed?

Mr. SMITH of California. I am trying to persuade the House to let this remain in the bill, so that the Forest Department may not sweep the entire valley into the forest reserve and thereby get into possession and control of other water rights.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of California. Mr. Chairman, I would like to ask unanimous consent to print in the Record this contract to which I have referred.

The CHAIRMAN (Mr. OLMSTED). The gentleman from California asks unanimous consent to extend his remarks for the purpose indicated. Is there objection? [After a pause.] The Chair hears none.

The contract is as follows:

SPECIAL USE AGREEMENT.

UNITED STATES DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE.

I, \_\_\_\_\_, of \_\_\_\_\_, hereby apply for permission to occupy a right of way for a \_\_\_\_\_.

I do hereby, in consideration for this use, promise and agree to comply with all regulations and instructions of the Department of Agriculture governing national forests, and especially with the following conditions:

1. To pay to the fiscal agent, Forest Service, at Washington, D. C., the sum of \_\_\_\_\_ annually, in advance, as ground rental, and in addition thereto such conservation charge as shall be specifically fixed by the Forester, which charge for the first year after the beginning of actual production of electric current at the power houses shall not exceed 2 cents per thousand KWH; nor for the second year 4 cents per thousand KWH; nor for the third year 6 cents per thousand KWH; nor for the fourth year 8 cents per thousand KWH; nor for the fifth year 10 cents per thousand KWH. And after said first five years during any successive period of five years the rate of said conservation charge shall not be increased over the rate of charge in force at the end of the last preceding five years by a greater amount than 25 per cent of the maximum rate charged for conservation at any time during said first five years.

It is further agreed that, if at the time of any reading of the meter to determine the amount of conservation charge due, the average amount of electric energy generated per day during the period since the last reading of the meter exceeds 20,000 KWH per day, the rate of conservation charge shall be increased by not more than 1 cent for each full 5,000 KWH developed on the average per day in excess of such 20,000 KWH; but this additional charge shall in no case increase the rate charged beyond 10 cents per 1,000 KWH, and shall be in force only for the first five years after the beginning of productive operation of the plant.

Accurate meters and other instruments adequate for the measurement of the electric current on which said conservation charge is to be paid shall be installed and maintained in perfect order by me at the power houses where such electric current is generated; and the authorized agent of the Forest Service shall at all times have free access to the same and to all records of the permittee relating to the electric current developed hereunder.

If the Department of Agriculture shall hereafter, for permits of this nature through the national forests, reduce the general scale of conservation charges below these herein above provided for, or shall wholly abolish such charges, then and thereupon the charges to be paid by me hereunder shall be reduced or abolished in like degree.

The conditions of this permit, which relate to charges, shall be binding for a term of forty years from the date of approval hereof, but at the end of that time shall be subject to readjustment by the Secretary then in charge of the national forest land involved in this project; but neither the readjustment of said charges nor the expiration of said term of forty years shall in themselves create or imply any termination of the permit hereby granted.

2. To dispose of refuse as directed by the forest officers and to guard the purity of streams.

3. The permittee, his employees, contractors, and employees of contractors shall, both independently and at the request of the forest officers, do all in their power to prevent and suppress fires.

4. To build new roads and trails where necessary to replace any roads or trails destroyed by construction work or flooding upon said right of way, and to construct suitable crossings for any existing roads and trails which intersect the right of way.

5. To protect all Forest Service and commercial telephone lines at crossings and at all places of proximity to the transmission lines in a standard manner and satisfactory to the forest officers.

6. In building the dam, to follow the usual precautions in the ordinary methods of dam construction; and nothing herein shall be construed to relieve the company from any requirement of the State laws regarding the construction of dams and storage of water.

7. To cut and keep clear of all timber and brush such areas as may be directed by the forest officers, and to pay to the fiscal agent, Forest Service, at Washington, D. C., as required by the forest officers, for all merchantable timber both live and dead, standing and down, cut or destroyed, on national forest land and unperfected claims, except that on the reservoir site of 1,427.4 acres, in the enjoyment of this special use, according to the scale or estimate of the forest officers at a rate to be fixed by the Forester.

8. To pile and burn, under the direction of the forest officers, at the time required by them, all tops, lops, brush, and refuse resulting from the enjoyment of this special use.

9. To begin bona fide construction within eighteen months from the date of approval hereof, and to complete within five years from said date unless the time is extended by the written consent of the Forester.

10. No Member or Delegate to Congress is or shall be admitted to any share, part, or interest in this agreement or to any benefit to arise therefrom. (Secs. 2729-2742, inclusive, U. S. Rev. Stats.)

11. No person undergoing a sentence of imprisonment at hard labor shall be employed in any construction or other work under this permit.

12. To sell power to the Forest Service when required at the lowest rate given to any purchaser.

I further agree, if required, to give satisfactory bond for faithful compliance with all of the above requirements.

Signed in duplicate this \_\_\_\_\_ day of \_\_\_\_\_, 1908.

(Signature of witness.)

(Signature of witness.)

(Signature.)

Acting Forester.

Approved \_\_\_\_\_, 1908.

Mr. GAINES of Tennessee. Mr. Chairman, I want to ask unanimous consent also to place in the Record at this place a copy of the bill that I have alluded to about the Los Angeles water power.

Mr. SMITH of California. I have no objection to that.  
The CHAIRMAN. Is there objection? [After a pause.]  
The Chair hears none.

The bill above referred to by Mr. GAINES of Tennessee is as follows:

An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California, and granting right in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, California, to the city of Los Angeles, Cal.

*Be it enacted, etc.,* That there is hereby granted to the city of Los Angeles, Cal., a municipal corporation of the State of California, all necessary rights of way, not to exceed 250 feet in width, over and through the public lands of the United States in the counties of Inyo, Kern, and Los Angeles, State of California, and over and through the Sierra and Santa Barbara forest reserves and the San Gabriel Timber Land Reserve, in said State, for the purpose of constructing, operating, and maintaining canals, ditches, pipes and line flumes, tunnels, and conduits for conveying water to the city of Los Angeles, and for the purpose of constructing, operating, and maintaining power and electric plants, poles, and lines for the generation and distribution of electric energy, together with such lands as the Secretary of the Interior may deem to be actually necessary for power houses, diverting and storage dams and reservoirs, and necessary buildings and structures to be used in connection with the construction, operation, and maintenance of said water, power, and electric plants, whenever said city shall have filed, as hereinafter provided, and the same shall have been approved by the Secretary of the Interior, a map or maps showing the boundaries, locations, and extent of said proposed rights of way for the purposes hereinabove set forth.

SEC. 2. That within one year after the passage of this act the city of Los Angeles shall file with the registers of the United States land offices in the districts where the lands traversed by said rights of way are located, a map or maps showing the boundaries, locations, and extent of said proposed rights of way, for the purposes stated in section 1 of this act; but no construction work shall be commenced on said land until said map or maps have been filed as herein provided and approved by the Secretary of the Interior: *Provided, however,* That any changes of location of said rights of way may be made by said city of Los Angeles within two years after the filing of said map or maps by filing such additional map or maps as may be necessary to show such changes of location, said additional map or maps to be filed in the same manner as the original map or maps; and the approval of the Secretary of the Interior of said map or maps showing changes of location of said rights of way shall operate as an abandonment by the city of Los Angeles to the extent of such change or changes of the rights of way indicated on the original maps: *And provided further,* That any rights inuring to the city of Los Angeles under this act shall, on the approval of the map or maps referred to herein by the Secretary of the Interior, relate back to the date of the filing of said map or maps with the register of the United States land office as provided herein.

SEC. 3. That the rights of way hereby granted shall not be effective over any land upon which homestead, mining, or other existing valid claims shall have been filed or made until the city of Los Angeles shall have procured proper relinquishments of all such entries and claims, or acquired title by due process of law and just compensation paid to said entrymen or claimants and caused proper evidence of such fact to be filed with the Secretary of the Interior: *Provided, however,* That this act shall not apply to any lands embraced in rights of way heretofore approved under any act of Congress, nor affect the adjudication of any pending applications for rights of way by the owner or owners of existing water rights, and that no private right, title, interest, or claim of any person, persons, or corporation, in or to any of the lands traversed by or embraced in said right of way shall be interfered with or abridged, except with the consent of the owner or owners or claimant or claimants thereof, or by due process of law, and just compensation paid to such owner or claimant.

SEC. 4. That the city of Los Angeles shall conform to all regulations adopted and prescribed by the Secretary of Agriculture governing the forest reserves, and shall not take, cut, or destroy any timber within the forest reserves, except such as may be actually necessary to remove to construct its power plants and structures, poles and flumes, storage dams and reservoirs, and it shall pay to the Forest Service of the Department of Agriculture the full value of all timber and wood cut, used, or destroyed on any of the rights of way and lands within forest reserves hereby granted: *Provided further,* That the city shall construct and maintain in good repair bridges or other practicable crossings over its rights of way within the forest reserves when and where directed in writing by the Forester of the United States Department of Agriculture, and elsewhere on public lands along the line of said works as required by the Secretary of the Interior; and said grantee shall, as said waterworks are completed, if directed by the Secretary of the Interior, construct and maintain along each side of said right of way a lawful fence as defined by the laws of the State of California, with such lanes or crossings for domestic animals as the aforesaid officers shall require: *Provided further,* That the city of Los Angeles shall clear its rights of way within forest reserves of any debris or inflammable material as directed by the Forester of the United States Department of Agriculture: *Provided further,* That the said city shall allow any wagon road which it may construct within forest reserves to be freely used by forest officers and the officers of the Interior Department and by the public, and shall allow to the Forest Service of the United States Department of Agriculture and to the officers of the Interior Department, for official business only, the free use of any telephones, telegraphs, or electric railroads it may construct and maintain within the forest reserves or on the public lands, together with the right to connect with any such telephone lines private telephone wires for the exclusive use of said Forest Service or of the Interior Department: *And provided further,* That the Forest Service may, within forest reserves, protect, use, and administer said land and resources within said rights of way under forest-reserve laws and regulations, but in so doing must not interfere with the full enjoyments of the right of way by the city of Los Angeles: *And provided further,* That in the event that the Secretary of the Interior shall abandon the project known as the Owens River project for the irrigation of lands in Inyo County, Cal., under the act of June 17, 1902, the city of Los Angeles, in said State, is to pay to the Secretary of the Interior, for the account of the reclamation fund established by said act, the amount expended for preliminary surveys, examinations, and river measurements, not exceeding \$14,000, and in consideration of said payment the said city of Los Angeles is to have the benefit of the use of the maps and field notes resulting from said surveys, examinations, and river measurements,

and the preference right to acquire at any time within three years from the approval of this act any lands now reserved by the United States under the terms of said reclamation act in connection with said project, necessary for storage or right of way purposes, upon filing with the register and receiver of the land office in the land district where any such lands sought to be acquired are situated a map showing the lands desired to be acquired, and upon the approval of said map or maps by the Secretary of the Interior and upon the payment of \$1.25 per acre to the receiver of said land office title to said land so reserved and filed on shall vest in said city of Los Angeles, and such title shall be and remain in said city only for the purposes aforesaid, and shall revert to the United States in the event of the abandonment thereof for the purposes aforesaid: *Provided, however,* That the terms of this act shall not apply to any lands upon Bishop Creek or its branches in said county of Inyo.

SEC. 5. That all lands over which the rights of way mentioned in this act shall pass shall be disposed of subject to such easements: *Provided, however,* That if construction of said waterworks shall not have been begun in good faith within five years from the date of approval of this act, or if after such period of five years there shall be a cessation of such construction for a period of three consecutive years, then all rights hereunder shall be forfeited to the United States.

SEC. 6. That the city of Los Angeles is prohibited from ever selling or letting to any corporation or individual, except a municipality, the right for such corporation or individual to sell or sublet the water sold or given to it or him by the city.

SEC. 7. That the right to amend, alter, or repeal this act at any time is hereby reserved.

Mr. POLLARD. Mr. Chairman, since this matter has come up I have taken pains to go to the telephone and call up Mr. Pinchot, in order that I might find out what is the truth in regard to this matter, and Mr. Pinchot tells me the situation is this: That the entire California delegation, including the Senators, excepting Mr. SMITH, in a body, requested, and almost demanded, that this forest reserve be created for the purpose of furnishing a water supply for the city of Los Angeles, and that the city is entirely dependent on this water for supply.

Now, the gentleman from California [Mr. SMITH] comes in here and undertakes to say that the Department is trying to create a monopoly out there; that it is taking the water rights out of the hands of one monopoly and putting them in the hands of another. I simply want to put Mr. Pinchot's position before the House. He tells me the facts are as I have stated.

Now, Mr. Chairman, the committee have given very careful consideration to these matters. We have gone into the operations of the Forestry Service at great length, and have spent hours and hours in investigations and hearings in order that we might become familiar with this great department, and I want to say to the House that so far as the committee have been able to ascertain the policy of the department, as promulgated by the chief, is for the purpose of preventing monopolies in water rights and other rights all along the line instead of encouraging monopolies in any sense.

Mr. SMITH of California. I only desire to say a word. There are four members of the California delegation besides myself on the floor, and if I can find the others I will bring them here, and I request the House to call them to testify as to whether they have asked Mr. Pinchot to extend the forest reserve over the Owens River Valley.

Mr. KAHN. Mr. Chairman, I never did.

Mr. KNOWLAND. Mr. Chairman, I never did.

Mr. NEEDHAM. Mr. Chairman, I never did. [Laughter.]

Mr. ENGLEBRIGHT. Mr. Chairman, I never did. [Renewed laughter.]

Mr. GAINES of Tennessee. Has all the California delegation been heard from?

Mr. SMITH of California. I will get the rest of them.

Mr. GAINES of Tennessee. Mr. Chairman, I have finally got at the point of the argument of the gentleman from California [Mr. SMITH]. I finally found out that he was discussing the Los Angeles proposition. I have practically stated the substance of that proposition as I recall it. We passed a bill tapping a great Government lake 200 miles up in some valley. It is owned by the Government. A few water franchises or privileges had been given to some water company, a monopoly it seemed, which had come before the committee and wanted to smother the bill and choke off the people of Los Angeles from having the water from this lake, which contains water enough to supply all who wanted it. This company, through its lawyer and agents, talked about vested rights. I said, "If you have any vested rights, go to the Federal courts and protect them. We do not want lawyers for water monopolies taking up the time of this great, hard-worked Public Lands Committee talking about vested rights, while the people of Los Angeles and all that beautiful country are famishing for water. There is plenty for all." We promptly reported the bill. We passed it, and the gentleman says it has become a law. The gentleman voted for it.

I think every member of the committee voted for it; I know I did. Now, talk about water monopoly! That is the reason why the people of Los Angeles were appealing to Congress for freedom of water rights up 250 miles in the mountains of California.



Not only that, but, as I recollect the proposition, they said they had the money, or could soon get it, to build this almost Herulean project.

What is the proposition in the bill? It is—

To extend the national forests, but no such extension shall be made except by the purchase of land or rights therein found to be necessary for such protection, administration, or improvement.

Mr. Chairman, it may be necessary out in that great Sahara, that country which is made beautiful by irrigation, for the Government to buy land and to protect the forests; to protect the water and give it to the people by measurement. As I recollect these irrigation water propositions, they are all guarded by statutory limitations to prevent waste. The water, in other words, is practically metered to the people by law and by machinery.

There is no waste of water so far as I know, judging from the evidence that has come before that committee. Another proposition, gentlemen, there are lumber kings in the West who have gone into the forest like scouts and are cutting down the forests, not only in the Southern States west of the Mississippi River, but throughout all the West. What else? Instead of the Federal Government more anxiously, more industriously than it has, and more successfully than it has, preserving the forests and preserving the great timber of the forests to build the homes of the real homesteader in the far West, these lumber kings have by direction and indirection, by fraud and under the forms of law, invaded the forests of the West, cut down the great trees and the timbers, sawed them up, and the lumber instead of being used to build the homes of the honest or real homesteader of the West, the man who has gone there to live; a great portion of this timber is sawed up and shipped to foreign countries, to build the homes of kings and queens and the peasantry of foreign lands.

That makes it harder for the honest homesteader of the West to build his little cabin where he may live, where the spirit and letter of our homestead public laws provide that he may live. Instead of sawing it up for the use of these homesteaders, and selling it at reasonable prices to them, it is cut down, sawed up, and shipped to the foreign countries, where they have, perhaps, more trees than they have in this country, thus making lumber scarce; and when we get it we pay enormous prices, too often fixed by the lumber trust.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. I ask for three minutes more.

Mr. SCOTT. Mr. Chairman, I am very reluctant to refuse the request of the gentleman from Tennessee; but he must recognize that all of this debate is entirely out of order.

Mr. GAINES of Tennessee. Technically, perhaps, it is out of order; but am I not trying to preserve the forest reserve, as the gentleman is trying to do with his bill? I am with him in his work. Am I not struggling on the Public Lands Committee to preserve these forests?

The CHAIRMAN. The gentleman from Tennessee asks that his time be extended three minutes. Is there objection?

Mr. GAINES of Tennessee. I want to say to my friend from Kansas that when you get me out in the woods I am at home. [Laughter.] I have swung an ax many a day in the woods. I want to say that the great forests of this country should be preserved at least for the sons of the Western homesteader to cut and make for themselves happy homes in that land, instead of being taken by the lumber trust, which has been unharmed under our trust laws, though it has been in the courts since 1890, when the Sherman Act was passed. The Department of Justice is now after this trust in the West and these evildoers. I am against all these wrongdoers and am trying to help the Department to protect our great forests and the public lands, so that when they are sold the funds may be put into the Treasury, not to help the South, not to help Tennessee, not to help the great district which I represent, but that it may be used to irrigate the lands in the West and help the honest homeseeker there. Where are you going to get your money for irrigation after you have sold all your public lands, and for little or nothing? I stopped here in the House a public-land sale a few days ago because the price was too small, only \$2.50, I believe. I have received information heretofore and again this morning—men stopped me on the street and told me that this same land or adjoining land was selling at \$250 a residence lot, and that this same land that was about to be given away at \$5 or \$2.50 would be worth in a few years \$1,000—in less than five years. Think of that, gentlemen.

That is the work I am trying to do; that is the work Secretary Wilson is trying to do; that is the work President Roosevelt is trying to have done; that is the work the Department of Justice is trying to have done. I stand here for honest administration of the law against land thieves, against the lumber

trust, against the cutting down trees and sending them to foreign countries to build homes for aliens instead of building them up in the great West, which is a part of our own country. [Applause.]

Mr. MONDELL. Mr. Chairman, we have discussed pretty nearly every subject under the sun, and the gentleman from Tennessee has shown great familiarity with this matter for one who has attended the meetings of the committee so little.

Mr. GAINES of Tennessee. Well, I manage to keep up with the bills your committee report, and I am on the floor to attend to them, as the RECORD shows, and shall continue to be. I shall be and am present when I can get away from my own people's important work. That really takes more time than I have and denies me the rest which every man should take. I have no malice toward any Member of this House. I do my full duty as I see it day in and out, not only to my own people, but to the country at large. I am doing my best to have the laws respected and better ones made. I apologize to no man on earth for what I have done or fail to do.

Mr. MONDELL. Now, Mr. Chairman, we have discussed every subject under the sun except the subject before the committee, and that is the point of order as to the language contained in lines 23, 24, and 25, page 22, to wit:

But no such extension shall be made except by the purchase of land or rights therein found to be necessary for such protection.

I propose to discuss that point of order.

The CHAIRMAN. Does the Chair understand that the gentleman from Wyoming makes that point of order?

Mr. MONDELL. The point of order is reserved as to the whole paragraph, and I will make the point of order—

Mr. SMITH of California. Why does the gentleman make it?

Mr. MONDELL. Mr. Chairman, the gentleman from California wants to know why I make it, and I will state why I make it, or, rather, why I shall insist upon it.

If I took the view of this language that the chairman has expressed and that the gentleman from California [Mr. SMITH] seems to have, I do not think I should insist on the point of order; but, Mr. Chairman, it is not usual for committees to bring in legislation limiting the authority of the various Departments over which they have control in just this sort of language. If it had been intended to limit the authority of the Department, it ought to have been done very clearly. If it were a limitation, then the point of order would not be good; but it is not a limitation. It is an extension of power in the guise of a limitation. I had the honor to be the author of the bill under which the forest reserves were transferred to the Department of Agriculture, and I was a member of the conference committee that agreed upon the provision authorizing the Forestry Service for a limited length of time to use the proceeds of the sales of products of the reserves for certain purposes.

Now, it was certainly not the intent of any member of that conference committee and not the thought of any member of either committee that had charge of that subject that that provision in any way authorized the Department of Agriculture to buy forest lands or to make expenditures with a view of acquiring forest lands; and I am confident that it has been held at all times that there is no such authority vested in the Agricultural Department. This is clearly authority to secure, to purchase lands, and I desire to call the attention of the Chair to the fact that if this language remains in, it will not only authorize the purchase of lands in the vicinity of forest reserves now established, but it will authorize the purchase of forest lands anywhere under this appropriation for the purpose of extending the forest reserves. I would also call the Chair's attention to the fact that the provision I have referred to contained in the act transferring the forest reserves to the Agricultural Department was repealed by the provision contained in the sundry civil act last year discontinuing the special fund created from the proceeds of the reserves.

There was also a provision in that act prohibiting the creation or extension of forest reserves in some six States; so that if it were held that the language of section 5 of the law transferring the reserves was still in force—and I do not believe it is—this provision still changes existing law so far as it affects six of the States of the Union within which there is now no authority whatever for the creation or the extension of a forest reserve except by act of Congress. If this language means anything at all, it means that the Secretary may purchase lands anywhere in the Union for forest-reserve purposes, certainly in the vicinity of forest reserves, or adjacent to forest reserves, and that would mean that he could extend forest reserves by purchase where it has been provided by law that there shall be no extension of the forest reserves.

Mr. Chairman, a gentleman near me has called my attention

to the fact that I am using the words "forest reserves," while the law uses the words "national forests," and my reason for doing that would be well understood by the gentleman if he were familiar with some of the national forests, so called. I have had some experience in national forests, and I have been over a number of them, and it is very difficult for a man who has had that experience to bring himself to call large areas of bad lands, with a few dwarf evergreens, vast stretches of grazing land covered with, here and there, chapparal and sagebrush, immense areas with scarcely timber enough on them to fence them, national forests. It is quite enough of a stretch of the imagination for me to refer to them as forest reserves. They might, some of them, or at least considerable of the territory included in some of them, better be called grazing reserves, as is indicated by the fact that we obtain over \$200,000 per year more from the grazing privileges in the reserves than we do from the sale of timber from them.

The CHAIRMAN. The Chair would ask the gentleman from Wyoming whether there is now law to extend the national forests?

Mr. SCOTT. Undoubtedly there is, Mr. Chairman.

Mr. MONDELL. I would like to answer that question, Mr. Chairman. There is a provision contained in the law under which the administration of national forest reserves was transferred from the Interior Department to the Department of Agriculture to this effect:

That all money received from the sale of any products or the use of any land or resources of said forest reserves shall be covered into the Treasury of the United States, and for a period of five years from the passage of this act shall constitute a special fund, available until expended as the Secretary of Agriculture may direct, for the protection, administration, improvement, and extension of Federal forest reserves.

Now, that provision created a special fund to be used for certain specific purposes. That is the act of February 1, 1905. Subsequently and in the agricultural appropriation bill of last year that provision was repealed, and it was provided that from and after the 1st day of July, 1907, all receipts from forest reserves should be covered into the Treasury, so that the special fund ceased to exist and with it went the authority conferred to use it for certain purposes, if in fact it ever conferred authority to do what is now contemplated.

In the same bill, I call the Chairman's attention, there was a provision which prohibited the creation or extension of forest reserves within certain States named in the bill. That is an absolute prohibition.

The CHAIRMAN. The Chair does not care to hear the gentleman from Wyoming further upon the point he has raised, and will decide it unless the gentleman from Kansas desires to discuss it.

Mr. SCOTT. I am ready for a ruling.

The CHAIRMAN (Mr. OLMS TED). It appearing that there is authority of law to extend the national forests without this condition, and the language against which the point of order is made being intended to restrict the authority now conferred by the law, it seems to the Chair that it changes existing law, and is therefore obnoxious to the rule. The Chair sustains the point of order.

Mr. SCOTT. Mr. Chairman, I should like to offer an amendment.

The CHAIRMAN. The Chair will state that an amendment will not be in order until the other point of order against the balance of the paragraph is either made or withdrawn or disposed of.

Mr. SCOTT. Then, Mr. Chairman, I will pass to the consideration of the next language against which a point of order has been made.

The CHAIRMAN. What is the next point of order made by the gentleman?

Mr. SCOTT. On page 23, line 69, appears this new language, "and with respect to national forests shall aid the other Federal Bureaus and Departments in the performance of the duties imposed on them by law." The existing law authorizes the Forestry Service to cooperate with States, counties, and municipalities in the enforcement of State laws, but there is no provision authorizing this Bureau to cooperate with other Bureaus in the same Department, and it is absolutely in the interest of the public service that there should be such cooperation. It happens often, for example, that the Bureau of Animal Industry desires to inspect the stock that is grazing within a national forest, and the forest rangers and other forest employees can be of a great deal of assistance to those inspectors.

It happens also that the officials of the Reclamation Service sometimes have work to do within a national forest, and there is surveying, gauging, and mineral examinations on the part of officials of the Geological Survey. It often happens also

that Land Office agents are required to do work of various kinds in the national forests, and it seems to your committee that the agents and officials of the Forest Service might be well authorized to cooperate with them and with other agents and officials of the various Departments. That is the only purpose of this language, and I hope the gentleman from Wyoming will not insist upon his point of order.

The CHAIRMAN. The Chair will ask if the gentleman from Wyoming makes the point of order?

Mr. MONDELL. Mr. Chairman, I reserve the point of order for the moment; but before I speak upon the point of order, Mr. Chairman, I wish to call attention to the fact I had intended in making the point of order against the new language at the bottom of page 22; to also make the point against the words "administration or improvements," in line 1, page 23, which is part of the same sentence, so that the language I desire to have ruled upon is, "but no such extension shall be made except by the purchase of lands or rights therein found to be necessary for such protection, administration, or improvement."

The CHAIRMAN. The Chairman understands that to be the language to which the gentleman's point of order runs. The Chair will now state that the gentleman from Wyoming having reserved a point of order against the entire paragraph, that point of order ought to be made or disposed of before points against intermediate items, sentences, or phrases are taken up.

Mr. SCOTT. Before the present occupant of the chair had taken the chair the question had been brought up, and it was agreed, while the gentleman from Wyoming had reserved the point of order against the entire paragraph, that new language in different parts of the paragraph should be considered one point at a time and passed upon, and it was in pursuance of that agreement that the gentleman from Wyoming now discusses the point of order referring to the new language which I have just read.

The CHAIRMAN. The Chair will not interfere with that order, although it will be readily seen that the ruling upon a point of order against two lines might depend upon the question whether the balance of the paragraph were permitted to remain in or not. In case a paragraph itself out of order should be permitted to remain in the bill, no point being made against it, a point against a part of that paragraph might have to be overruled, although standing by itself the portion complained of would offend against the rule.

Mr. MONDELL. My understanding is it was only by unanimous consent we proceeded in the form we did.

The CHAIRMAN. Very well, then. The Chair now understands the gentleman to make the point of order upon the words beginning with "with respect," in line 6, page 23, and ending with the words "by law," in line 9.

Mr. MONDELL. Where is that?

The CHAIRMAN. Will the gentleman then state his point of order?

Mr. MONDELL. The language under discussion, Mr. Chairman, at this time, is on lines 7, 8, and 9, page 23.

Mr. SCOTT. If I may be permitted, the next new phrase includes the following words: "With respect to national forests shall aid the other Federal bureaus and Departments in the performance of the duties imposed upon them by law." I would like to have that phrase disposed of, and then we will pass to the other one, "and hereafter the Secretary of Agriculture may from time to time divide," and so forth.

Mr. MONDELL. The chairman of the committee has called my attention to the fact that the beginning of that sentence is the word "and" on line 6.

The CHAIRMAN. That is as the Chair stated it and understands it.

Mr. MADDEN. I would like to ask the gentleman from Wyoming [Mr. MONDELL] a question.

Mr. MONDELL. I would be glad to answer.

Mr. MADDEN. Does the gentleman make the point of order to the word "hereafter," on line 1, page 23, or does he waive that?

Mr. MONDELL. I have not raised that question. That question has not been raised. The chairman of the committee called attention to the language referred to, and so far the word "hereafter," in line 1, page 23, has not been taken up. I doubt if it is new.

Mr. MADDEN. I assumed that the gentleman from Wyoming was saying that he was not going to take it up, because he had gone down—

Mr. MONDELL. I call the gentleman's attention to the fact that the chairman of the committee himself stated that the next new language in the bill was the language which he has just read.



Mr. MADDEN. If we are going to proceed in order I would like to have the word "hereafter" taken up first.

Mr. SCOTT. The reason, perhaps, I did not call attention to that word was because it was in the law last year. The current law reads:

Hereafter officials of the Forest Service designated by the Secretary of Agriculture shall, in all ways that are practicable, aid in the enforcement of the laws of the States or Territories with regard to stock—

And we will not need that language in again. We are simply providing that the Service shall cooperate with the other Bureaus.

Mr. MONDELL. Was the word "hereafter" —

Mr. SCOTT. Was in the language of the current law.

Mr. MONDELL. Mr. Chairman, that was my understanding of the matter, and therefore I did not call it up.

Now, as regards the language under discussion, Mr. Chairman, I want to say that I am exceedingly anxious to assist in doing anything and everything that is right and proper in the care and the preservation of the national forests. I have always been in favor of the national forests on the public land of the West, within proper boundaries and under proper administration. It was my privilege to have the opportunity as Assistant Commissioner of the General Land Office to pass upon some of the reserves established some ten years ago, and among others—

The CHAIRMAN. The Chair will state that if the gentleman does not wish to discuss the point of order he is quite ready to rule.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The Chair will indulge the gentleman.

Mr. MONDELL. The gentleman does not intend to insist upon his point of order, he will say to the Chair.

Mr. MANN. Others may do so.

Mr. MONDELL. The gentleman does not object to others insisting upon it, but he would like to have the privilege of discussing the matter for a moment.

The CHAIRMAN. The Chair was unable to hear whether the gentleman said he would or would not insist.

Mr. MONDELL. I have not made the point of order as yet, and I move to strike out the word "and," on page 23.

The CHAIRMAN. That will not be in order until the point of order is disposed of.

Mr. MONDELL. Then, Mr. Chairman, I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. If the gentleman desires to speak on the point of order, it is unnecessary. If the gentleman desires to speak on others matters, the Chair will ask unanimous consent.

Mr. MONDELL. The gentleman does not expect to discuss the point of order further.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. HACKNEY. Will the gentleman permit me to make a suggestion as to whether he would make or reserve the point of order to that clause?

Mr. MONDELL. I would say to the gentleman that the point of order is reserved against the entire paragraph.

Mr. HACKNEY. I want to ask the gentleman a question. Does the gentleman feel that there is any likelihood or not of duplication of the work in these bureaus if this paragraph is left in? I believe the gentleman is in a position to answer that question more intelligently perhaps than any one else.

Mr. MONDELL. That is what I intended to discuss, if I may be given an opportunity. I began by saying that I am in hearty sympathy with the legitimate work of the Forestry Bureau. I had something to do in an official way with the creation of some of the forest reserves in the West, among others a large reserve, the Medicine Bow Reserve, in my own State. I have always been in favor of a reasonable and proper forest-reserve policy in the West, and not because, Mr. Chairman, I have considered the forest reserves in the nature of an unmixed blessing, because they are not that by any manner of means, and if it were not for the fact that the Federal Government now owns large areas of territory more or less heavily timbered in a region of sparse rainfall, where too rapid and unrestricted cutting of timber might have serious results, I should not be in favor of the forest-reserve policy in the West.

Mr. LEVER. Will the gentleman permit me to ask him a question?

Mr. MONDELL. Certainly.

Mr. LEVER. Do I understand the gentleman favors forest reserves on the ground that it preserves the water flow in the West?

Mr. MONDELL. Well, Mr. Chairman, that is a pretty large question. While the preservation of forests and the control over forested areas to preserve proper conditions have something to do with the regulation of water flow, I know of no subject upon which there have been so many exaggerated statements made, so many unfounded claims made, as in regard to the effect upon water flow and conservation by the preservation and maintenance of forests.

Mr. LEVER. Does the gentleman admit that it is controlled in a large measure by the preservation of the forests?

Mr. MONDELL. Well, I think the forests have something to do with water conservation and stream flow; but there are many other factors affecting water conservation besides forests, and, in my opinion, a vast territory could and often has a fairly regular water flow without forests; and as far as water flow is concerned, a territory even as large as the United States could, in my opinion, get along very well without any considerable forests at all if it were not for the fact that we need lumber and love trees. The gentleman from Texas [Mr. BURLESON] looks horrified. I am not surprised at that, in view of the vigorous and exaggerated propaganda we have had on the other side of the subject for a long time.

In my opinion an acre of well-cultivated ground is worth 10 acres in woodland in the conservation of water. In my opinion there is nothing that conserves water like cultivated areas; and as a practical matter I have no doubt we could get along very well over vast areas of cultivated territory without forests. On the other hand, we all love forests, they are pleasing in appearance, they add grace and charm and variety to the landscape, they appeal to us; we all love woodlands, and we need timber and lots of it, and we should therefore encourage the growth of forest trees.

Mr. BANNON. I would like to ask the gentleman if he has ever examined into the question of the effect of the forests of Pennsylvania and West Virginia upon the Ohio River and its tributaries?

Mr. MONDELL. "The gentleman" does not pretend to be an expert on this subject. "The gentleman" has some views, and those views are founded not on the ground that I have made more of a study of the subject than some other gentlemen have made, but upon considerable study of the subject; and I will say in answer to the gentleman from Ohio that there is no question but what the rapid cutting over of an enormous area of woodland does have an effect upon the flow of streams for a time. But, in my opinion, the flow of streams in our country has been affected infinitely more by tiling and draining than by the cutting of the forests. If the cutting of the matured forests shall lead to the cultivation of the soil, then the second condition of that region is better than the first, for you have had the fruitage of years of forest growth and then you have the annual yield of crops. If, on the other hand, it shall lead to a second growth of trees, which soon shade the ground, then within a few years the condition of that territory is infinitely better for the conservation of moisture than when the timber was of large growth and did not thoroughly shade the ground and did not protect the surface of the ground from the drying influence of wind and sun.

The CHAIRMAN. The time of the gentleman has expired.

The time of Mr. MONDELL having expired, by unanimous consent it was extended five minutes.

Mr. LEVER. Mr. Chairman, if the gentleman will yield to me, the gentleman makes the statement that the cultivation of the land would have a greater effect in maintaining the stream flow than the preservation of the forests. Is not that due to the fact that in the cultivation of the land there is provided a spongy top surface which soaks up the water as it falls and preserves it?

Mr. MONDELL. The gentleman clearly understands the reasons. You make a better sponge by cultivating the soil than you have under almost any kind of forest growth.

Mr. LEVER. If you cut the forest off of the mountain side where you can not cultivate the land, how would you expect to maintain the stream flow?

Mr. MONDELL. Oh, well, the gentleman knows that you can not eat your pie and have it, too. The gentleman knows if the National Government owned all the woodland of the country, if we took up the systems of monarchical countries across the seas in regard to the ownership of railroads and forests and all that sort of thing, we would be in a very large and possibly lucrative business; but the gentleman understands that that would mean the cutting of the forests.

There is infinitely more timber being cut in my State to-day, with the timber all in the forests reserves, than there ever was before the reserves were established. Before there were reserves we had little sawmills all over our territory, cutting 8,000, 10,000, and 12,000 feet of lumber a day each and generally

only running part of the year. I will speak of this for just a moment while I am on this subject of monopoly we have heard so much about. We had these little mills scattered all over our territory, their owners owning each a small amount of woodland, cutting a little lumber for the use of the neighbors and the neighboring towns, but we do not have much of that sort of enterprise under the present forestry system. We have one reserve in my State which is larger than and about the shape of the State of Vermont, and in the entire eastern portion of that great reserve there is practically only one timber cutting. Another large cutting is, I believe, proposed in the eastern portion of the reserve farther south, at the head of the Wind River, but the lumber business of that and of other large reserves is in few hands. There was a time when there were a number of small mills along the borders of that reserve, but the reserve policy has been such that no man of ordinary means can afford to remain in the business.

So we have sales of 5,000,000, 10,000,000, or 50,000,000 feet of timber to a single corporation, monopolizing absolutely all the timber in areas larger than some of the older Commonwealths of the country. Now, I did not intend to go into this subject and I had intended to further answer my friend from South Carolina [Mr. LEVER] by saying that in such a hillside cutting as he refers to, if made, there may and there may not result a condition not so favorable to the conservation of water as when the forest remains; it all depends on many factors, some of which at least are not affected by the creation of forest reserves. I started out to say that I am in harmony with a proper forest-reserve policy in the West, not because it is an unmixed blessing, but because, in my opinion, under some of the conditions that exist there it is probably a necessary evil; but there are many features of the present policy that ought to be modified.

Mr. STEPHENS of Texas. Will the gentleman allow me to ask him a question about the West? Does he not think this forest-reserve business has been extended entirely too far and too much land included?

Mr. MONDELL. A little later the gentleman hopes to discuss that question, and he heartily agrees with the gentleman from Texas in that matter, that the forest reserves have been extended over country neither forested nor fit for reforestation, and included in the reserves not for the purpose, as I believe, of creating forests, but for the purpose of accomplishing other ends, some of which were suggested by the gentleman from California [Mr. SMITH], ends and purposes entirely foreign to those contemplated in the enactment of the forest reserve laws.

Mr. STEPHENS of Texas. I would ask the gentleman if it does not retard the development of the country?

Mr. MONDELL. It retards it tremendously, as I could show if I had time, by the testimony of hundreds of letters that I have received, and by very wide personal acquaintance with the conditions.

But, Mr. Chairman, I appreciate the fact that the time of the committee is limited, and I simply want to say that so long as this service is confined within proper bounds and carried on for the purposes contemplated by law I certainly have no desire to hamper or restrict its operation. I have always been favorable to its operation in conformity with law.

I fully appreciate the fact that there are conditions under which the Forestry Bureau may very properly cooperate with other bureaus, and I trust that this authority so granted will not lead to duplication of work, but will rather tend to friendly aid and assistance between the employees and the officers of the various bureaus in connection with the work within the national forests, and therefore, so far as I am concerned, I withdraw the point of order on the language in question.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LONGWORTH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed without amendment joint resolution and bills of the following titles:

H. J. Res. 134. Joint resolution for the relief of Archibald G. Stirling, recently midshipman, United States Navy;

H. R. 225. An act to amend section 4463 of the Revised Statutes, relating to the complement of crews of vessels and for the better protection of life;

H. R. 3822. An act for the relief of James Behan;

H. R. 4703. An act transferring Commander William Willmot White from the retired to the active list of the Navy;

H. R. 6064. An act for the relief of Roman Scholter;

H. R. 10075. An act for the relief of Copiah County, Miss.;

H. R. 10540. An act to amend section 73 of the act to provide a government for the Territory of Hawaii;

H. R. 12292. An act for the relief of A. E. Couch;

H. R. 12476. An act to place the name of William S. Shacklette on the retired list of the Navy as pharmacist;

H. R. 13448. An act to authorize the counties of Allegheny and Washington, in the State of Pennsylvania, to change the site of the joint county bridge which now crosses the Monongahela River at Monongahela City, Pa., and to construct a new bridge across said river in the place of said present bridge upon a new site;

H. R. 14282. An act to authorize the appointment of a deputy clerk at Big Stone Gap, Va.;

H. R. 15070. An act for the relief of J. Edmund Strong;

H. R. 18615. An act to authorize the Cairo and Norfolk Railroad Company to construct bridges across the Cumberland River; and

H. R. 18616. An act to authorize the Cairo and Norfolk Railroad Company to construct a bridge across the Tennessee River.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 5589) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

#### Senate concurrent resolution 48.

*Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made for a project of improvement of Wood River from the point where it empties into Klamath Lake, in Klamath County, Oreg., to the head of navigation, and report the same to Congress.*

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 19955. An act making appropriations to supply certain additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908.

#### AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. GRIGGS. Mr. Chairman, there are a considerable number of pages of the bill, and as many of the Members are interested in the question concerning the Bureau of Soils, I ask unanimous consent that if that paragraph is reached during this afternoon, it go over until to-morrow morning without prejudice.

The CHAIRMAN (Mr. FOSTER of Vermont). The gentleman from Georgia asks unanimous consent that if the paragraph relating to the Bureau of Soils is reached to-day it may be postponed until to-morrow without prejudice.

Mr. OLMSTED. I do not wish to object, Mr. Chairman, because I think I have the same view and purpose as has the gentleman from Georgia, but some of us can not be in the House to-morrow.

Mr. GRIGGS. There are many more that can not be here this afternoon.

Mr. OLMSTED. Then I will not object.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SCOTT. Mr. Chairman, the next new language in the paragraph is page 23, lines 10 to 17:

And hereafter the Secretary of Agriculture may from time to time divide and designate all lands heretofore or hereafter reserved for national forests under the provisions of section 24 of the act of March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes," after such lands have been so reserved, as he may deem best for administrative purposes.

I discussed this language at some length in my opening statement, and do not desire to detain the House now further than to say that as the forests were originally created by proclamation of the President no consideration was given to the question of administration. They were frequently created extending over parts of two States, or embracing within their limits an impassable mountain range, making it very difficult to administer them as a unit, economically and efficiently, and the only purpose of this language is to authorize the department to make such changes in shape and designation as will permit economy and efficiency in administration. I concede at once that if the point of order is insisted upon it must be sustained.

Mr. MADDEN. In dividing these forests or lands into different districts, I presume there would be a man put in charge of each district. That would necessitate the creation of a bureau to cover each district, would it not?



Mr. SCOTT. No; not a bureau. In the present organization of the Forest Service a supervisor is in charge of one national forest, or a part of it, according to the convenience of the Service. It would not create any new officials; that is, it would not create any new positions. It would make it easier for the men now administering the Service to properly administer it.

Mr. SMITH of Arizona. If a mountain divides a forest reserve, does the gentleman mean to say that there would not be an officer for each one of these districts?

Mr. SCOTT. I do not think it would involve any more officials than are now employed, because now, as a matter of necessity in the physical administration of the forests, men are stationed at different points of the same forest, but in the matter of bookkeeping each forest must be carried in its original shape. The law provides that 10 per cent of the proceeds of a given forest shall be paid into the treasury of the State in which the forest is located. The gentleman can easily see that if a forest extends over Wyoming and into Utah, it would be a very difficult matter to divide the proceeds which result from the grazing permits and the sale of timber in Wyoming and send that fund to the Wyoming treasury and make a similar division as to the proceeds arising out of that part of the forest in the State of Utah. It is purely in the interest of economy in administration.

Mr. MADDEN. Does the gentleman think it is economy?

Mr. SCOTT. I think so.

Mr. MADDEN. Does not the gentleman think that this language gives the Secretary of Agriculture very wide latitude as to the expense in the management of the forest reserve?

Mr. SCOTT. I assume that the Secretary of Agriculture will expend the money economically. I know he will have to do it, because he has got less than he wanted, and I am sure that the insertion of this language will not necessarily increase the expense.

Mr. MADDEN. It gives him the authority to locate divisions which must of necessity create additional expense.

Mr. SCOTT. Not of necessity will it create additional expense, if the gentleman will permit me, because in such a case as I have illustrated, where a forest included an impassable mountain, it is necessary now to have some representative of the Bureau on one side and some one on the other side of that mountain chain; so this language will not add to the number of agents of the Bureau. It will simply allow a division to be made along the crest of that mountain chain, so that the bookkeeping will be a great deal easier.

Mr. SMITH of Arizona. What does the word "designate" mean?

Mr. SCOTT. I presume it means to give a title, a name.

Mr. SMITH of Arizona. "May from time to time, divide and designate all lands heretofore and hereafter reserved." Does not that mean to divide the vast areas of forest reserves that have no timber on them and run them as a grazing business, and run the actual forest part of it under the forest business, or could not that be the interpretation of this act?

Mr. SCOTT. Well, I think not. In the first place, I feel sure that the gentleman is mistaken in assuming that there is a vast domain within the national forests which now consists of grazing lands; but, in the second place, the word "designate" has already been construed in the interpretation of this law, and is meant only to authorize the Secretary to give a name to a forest which he may create.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I ask unanimous consent that the time of the gentleman may be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HARRISON. Mr. Chairman, I will ask the gentleman to yield for a further question.

Mr. SCOTT. Yes.

Mr. HARRISON. Will the gentleman inform me of the general method by which the Government sells timber on the Government reserves?

Mr. SCOTT. The law provides that timber to the value of less than \$100 may be sold directly by the officials of the Forest Service. But if the value exceeds \$100 bids must be advertised for, and in that case the procedure goes along the usual lines.

Mr. HARRISON. Does the Government do any cutting of timber itself?

Mr. SCOTT. None whatever.

Mr. HARRISON. Is the gentleman aware of the general method that is used in some foreign countries, in France, for instance, where the Government forests are very small compared with ours, but which are so administered by the state that the proceeds from them suffice to construct and pay for all their magnificent system of national highways? Does not

the gentleman think that our Government could with benefit adopt some method of cutting and administering its own timber lands?

Mr. SCOTT. As I understand, the assault upon the national forest policy now is directed chiefly to the fact that it is too paternalistic in its operations, and to extend these operations to the degree suggested by the gentleman from New York would lend a great deal more force to that attack.

Mr. HARRISON. Will the gentleman from Kansas not agree with me that the Government, having these vast, magnificent properties, can with benefit follow the methods of foreign lands by which the value of the forests themselves is increased, namely, by scientific cutting, which increases the value of the timber that is left?

Mr. SCOTT. I hope the gentleman from New York understands that there is no cutting done on the public forests which is not done in compliance with the direction of the Forest Service. The trees are selected by the inspectors of the Forest Service, and no lumberman is allowed to cut timber from the forest reserves except in strict compliance with the regulations laid down by the Service.

In this connection, while I do not want to be drawn into a general discussion at this time of the Forest Service and the policy of national forests, I do want, in view of what has been said here this morning, to put this single statement into the Record. The total number of national forests in existence during the fiscal year 1906-7 was about 127.

The total number of sales of timber in all the national forests during that fiscal year under the sum of \$500 was 627; between the sums of \$500 and \$5,000, 94; over \$5,000 there were only 33 sales. It will be seen, therefore, that the vast majority of the sales of timber made from national forests during that year were made in very small amounts—under \$500.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. SCOTT. Certainly.

Mr. MONDELL. Is not the gentleman aware of the fact that these alleged small sales to which he refers are simply the sales for a given period under large contracts of sale; that a man may have contracts for several million feet of timber, and that he may cut \$5,000 worth of it or \$1,000 or \$500 worth this year, and such a sale is presented to him in this statement as a small sale, when, as a matter of fact, it is a fragment of a large sale. Further, let me call the gentleman's attention to the fact that while there are necessarily quite a number of small sales, the vast bulk of the material sold is included in large sales. However, I do not wish to be unfair. I realize that in some cases large, quite large, sales are properly made. I have simply said what I have on this subject because so much has been said and claimed to the effect that the forestry policy led to small sales. The fact is that the tendency of the policy is toward very large sales.

Mr. SCOTT. I think the gentleman from Wyoming is mistaken about that, because the law requires that payment shall be made in advance when the sale is made.

Mr. MONDELL. The gentleman, I think, will recall that, on the contrary, the practice is to only require an advance payment of a comparatively small sum intended to cover the portion of the timber sold which will be cut within a given period, and that under no circumstances do they require cash payments for all of the timber included in these large sales. As a matter of fact, it would neither be just nor practical to do so.

Mr. SCOTT. If the gentleman is correct—

Mr. MONDELL. It is impossible to do it, because they do not know how much the sales are to amount to.

Mr. SCOTT. His information certainly contradicts the impression that has been left upon the members of the committee by the statement which the Forest Service officials have made to us.

Mr. MONDELL. For instance, there was a sale, I understand, in my own State in one forest reserve of 50,000,000 feet of lumber to one concern. Has the gentleman any statement of the sale of that 50,000,000 feet? There is a sale in the Black Hills Forest Reserve, I think, of 60,000,000 feet. Has the gentleman any such sale in that statement?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Arizona. Mr. Chairman, I want to ask a question of the gentleman in regard to the point of order—

Mr. SCOTT. Mr. Chairman, I will ask that my time be continued for five minutes in order to answer the gentleman's question.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. HARRISON. Will the gentleman also state what the net profit to our Government is from the sale of that timber?

Mr. SMITH of Arizona. In regard to my inquiry of the chairman as to what the word "designated" meant, his response

was there was not much of lands within these forest reserves which were not covered by timber. I have the history of the forest reserves of Arizona, a very clear statement made by the Forestry Division, for which I take occasion to thank the Acting Forester, Mr. William T. Cox, for the extreme labor he expended in giving answers to questions I asked of that Bureau touching all the reserves in Arizona. Within the full limit of the forest reserves in Arizona there are 12,759,190 acres; the per cent of timber, the woodland, is 77 per cent; the per cent of open land is 22.3; and open land, I understand, has no timber on it at all, not even enough timber or growth of wood to cut 4 cords of wood to the acre.

I do not know whether this is put in that 22 per cent estimate or not, but I know they call them timber lands if they grow any timber. The number of acres of such lands in Arizona reserves alone in round numbers is 2,000,000 acres. Now, if the language of this bill means by "designating" to separate such from the actual timbered lands, and put the grazing lands in one class and the forest lands in another, and the agricultural in another, and put each under separate heads or separate management, thus increasing the number of these police of the plains and the woods, it should not be allowed and the point of order should be insisted on.

Mr. MONDELL. I would like to ask the gentleman—

Mr. SCOTT. Mr. Chairman, my time was extended and I claim the floor.

Mr. MONDELL. I simply want to ask the gentleman a question. I desire to ask the gentleman as to how much of this Government timber land in this Territory was included in the San Francisco Mountain Forest Reserve in which they gave lieu lands, including some of the finest forest lands on earth?

Mr. SMITH of Arizona. Lieu lands after every stick of wood had been cut off of it, too.

Mr. MONDELL. There was not any considerable amount to cut off?

Mr. SMITH of Arizona. Yes; much of it had been cut over, all, in fact, that had valuable timber on it, but it was even worse when they took vast acres of lands into the reserve that did not have a tree on it, and gave in lieu of it scrip which could be spread at will by the holder over the best timbered lands in the United States. Mind you, these were desert or denuded railroad lands, taken by the Government in exchanging scrip, to spread as just stated. In that one transaction the Department made a bigger raid on our timber resources and gave to monopoly more timber lands than has been stolen by thieves in the whole history of Arizona.

Mr. SCOTT. But the gentleman understands the lieu-land act, to which he refers, was repealed long before the act was passed transferring the control of forest reservations to the Department of Agriculture, so if there is any blame to be given to anyone it does not rest upon that Department.

Mr. SMITH of Arizona. But the harm had been done and the lands, worthless as they were, had passed to the Government and splendid timber lands taken in lieu of them by the railroad or those holding title under the railroad grant.

Mr. SCOTT. But the present administration of the Forest Service is not responsible for it.

Mr. SMITH of Arizona. I make no point on any administration. It was done long before the Secretary of Agriculture had anything to do with it.

Mr. SCOTT. Answering directly the gentleman's question, I wish to say that the Chief of the Forestry Bureau stated to the Committee on Agriculture that his only reason for asking permission to divide and designate forests was the reason I have stated, and I can not believe that he had a sinister purpose in asking for this language, or any wish to misrepresent his real motive to the committee.

Mr. SMITH of Arizona. I do not think the purpose sinister, and I do not want to be so understood. I think it is absolutely plain and evident that that was the purpose of this act. And if that purpose is to segregate the lands as to quality or character and put more men in the country to police the lives of our people in their daily pursuits, I object to it.

Mr. SCOTT. I can hardly agree with the gentleman in his interpretation of it. As I said a moment ago, I do not want to engage in a protracted discussion as to the merits of the forest policy or the merits of the administration of that policy. But in view of what the gentleman from Arizona [Mr. SMITH] has said, I want to make this statement: It is inevitable, of course, that untimbered land should be covered into certain forest reserves when they are first designated. But the law expressly provides that a petition may be presented to withdraw any such lands from the national forest, and it has been the practice of the Service to give prompt attention to those petitions. As a matter of fact, approximately 12,000,000 acres have been re-

leased upon such petitions, because they were not chiefly valuable for national forests. But in spite of this fact, and in spite of the fact that large areas of agricultural lands have been included within the national forests, applications have been received for homesteads within national forests for an area of only one-quarter of 1 per cent of the total national-forest area. It would seem, therefore, that if untimbered land has been included within the national forests, it is not land which anybody seems anxious to own as a private possession.

Now, Mr. Chairman, will the gentleman withdraw his point of order or insist upon it?

Mr. MONDELL. I desire to discuss the point of order, Mr. Chairman.

The CHAIRMAN. If the gentleman does not wish to discuss the point of order, the Chair is prepared to rule.

Mr. MONDELL. In view of the fact that the chairman of the committee has asked that the point of order should not be made—

The CHAIRMAN. The Chair is prepared to rule. The Chair sustains the point of order.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

Mr. OLMSTED. The amendment is not in order. I merely suggest that, because I do not wish to lose the right to make a point of order.

The CHAIRMAN. There are other points of order pending.

Mr. MONDELL. Mr. Chairman, I desire, then, in view of the fact that there is a point of order pending against the entire paragraph, to briefly discuss the point of order as it relates to this particular language, and to call attention to the fact that I think the chairman of the committee misunderstands the purpose of the words which have been added.

The CHAIRMAN. The Chair can not quite understand how the gentleman from Wyoming [Mr. MONDELL] can take the floor to discuss a point that has been sustained.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may discuss the question.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent to continue for five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Now, Mr. Chairman, the evident purpose of this amendment—at least I fear it would be contended that the effect of the amendment would be to clothe the Department with additional authority in the creation of forest reserves. Similar language to this went out on a point of order made by myself in the last Congress. I have read the hearings before the committee this year on that particular point, and I am not at all satisfied with the explanation given in regard to it. I recall that it has been quite the rule for the Forestry Bureau to secure what seem to me as being rather far-reaching opinions from the Attorney-General's office on various points, and in view of some of these opinions, which greatly widen the scope of provisions relating to this Bureau, I am compelled to exercise great care on behalf of my people to see that no language goes into the bill the intent of which is not clear. In my opinion this provision is exceedingly ambiguous, to say the least, and it is not necessary for the administration of the forest reserves.

Why, if the President has the authority to create a reserve he has authority to divide a reserve. There are, I think, only one or two reserves that extend over two States, and the fact that they do extend over two States does in no way render them more difficult to administer. Forestry is not necessarily a question of State lines. It is a question of the character of the territory, and reserves should not ordinarily be divided by State lines.

The distribution of the money received from the sale of products is not made particularly difficult by reason of the reserves extending into different counties and over State lines. The National Government can as easily distribute between States as the States themselves can distribute between the counties.

There is scarcely one of these reserves that does not extend over several counties; therefore the State authorities have to divide the receipts between various counties. I think of no case in which it would be easier to administer a reserve with further subdivision; but if there be such, I can not understand how this Bureau, which seems to find a way to do about everything it desires to do, whether contemplated by law or not, can not find a way to simply subdivide reserves. In my State there has been a subdivision of one large reservation into three distinct districts, so that practically it is three reserves or three districts of one reserve, and fulfills all the conditions as



to administration said to be sought by this amendment. I do not understand the necessity for the provision for the accomplishment of the purpose said to be sought, and I confess that I harbor a suspicion that it may mean more than it seems to.

Mr. OLMSTED. Mr. Chairman, I desire to make the point of order against the language beginning on line 2, page 24, and ending with the word "thereof," in line 10 of the paragraph.

The CHAIRMAN. Will the gentleman suspend a moment? Will the chairman of the committee inform the Chair whether there is any point of order pending to any language between the language which is covered by the point of order reserved by the gentleman from Wyoming and that covered by the point of order made by the gentleman from Pennsylvania?

Mr. MONDELL. So far as I am concerned, having reserved the point of order generally against the paragraph, I shall waive the point of order as regard the words "Porto Rico" on line 22, page 23, of the bill.

Mr. MANN. I reserve the point of order.

Mr. SCOTT. And in addition to the words "and Porto Rico" to the words "and hereafter," at the beginning of the sentence.

Mr. MANN. I was just about to make the point of order against the words "and hereafter."

The CHAIRMAN. The Chair suggests to the gentleman from Pennsylvania that he withhold his point of order until these are disposed of.

Mr. MANN. Mr. Chairman, I desire to make the point of order to the word "hereafter," on line 10, and also, on line 22, to the words "Porto Rico."

Mr. SCOTT. Mr. Chairman, I concede, of course, that the point of order is well taken; and if the gentleman makes it I will not debate it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. On page 22, line 23, to the words "and extend."

Mr. SCOTT. Mr. Chairman, that language is in the current law, and it is warranted, I think, by the existing law, the general statute.

Mr. POLLARD. Mr. Chairman, I think the gentleman is too late with his point of order.

Mr. MANN. Well, the gentleman will find that I am not.

Mr. OLMSTED. A point of order was reserved against the whole paragraph.

Mr. POLLARD. I understand that there is no point of order reserved against the whole paragraph. The gentleman from Wyoming reserved the point of order against the whole paragraph and then he withdrew it and made a point of order against new matter in the bill.

Mr. BONYNGE and others. Oh, no.

The CHAIRMAN. The point of order is also reserved on other matters.

Mr. MANN. The provision limiting it has been stricken out, and this ought to go out with the proviso. I do not think it is warranted by law.

Mr. SCOTT. In my opinion the authority to extend the national forests is clearly granted by existing law.

Mr. MANN. The provision that the gentleman put into this bill provided that no such extension shall be made except when found to be necessary for such protection, etc. The provision which the gentleman wanted in the bill has gone out, and I do not see what the gentleman wants with this provision in the bill. Is it proposed to give general authority to extend the forest reserve? The limitation which the gentleman had in his bill goes out.

Mr. SCOTT. Well, I am sorry that the limitation went out, because I thought it ought to have been inserted; but I do believe that power ought to remain in the Department to extend the national forests to the extent that this power has hitherto been exercised. Heretofore it has been used to the extent of purchasing small tracts of land absolutely needed in the administration of the forests.

Mr. MANN. I think the provision, Mr. Chairman, is not according to the existing law. The gentleman from Kansas may have it at hand. This gives direct general power for extending forest reserves, unlimited power under the appropriation.

Mr. OLMSTED. The gentleman from Wyoming cited an act of Congress which seemed to give authority to the extent of providing that the proceeds of the sales of certain lands should be paid into the United States Treasury, and that from these funds extensions might be made.

Mr. MONDELL. We understand that has been wiped out.

The CHAIRMAN. The Chairman desires to have the chairman of the committee indicate the authority now existing in the law for the extension of national forests.

Mr. SCOTT. In the act of February 1, 1905, appeared this language:

That all money received from the sale of any products or the use of any land or resources of said forest reserves shall be covered into the Treasury of the United States, and for a period of five years from the passage of this act shall constitute a special fund available until expended, as the Secretary of Agriculture may direct, for the protection, administration, improvement, and extension of Federal forest reserves.

Now, by the act of last year the provision as to constituting the receipts from the forests a revolving fund was changed, but the remainder of the section was in no way altered. The provision in last year's bill was:

That all money received after July 1, 1907, by or on account of the forest reserves for timber or from any other source of forest revenue shall be covered into the Treasury as a miscellaneous receipt, and there is hereby appropriated and made available out of any funds in the Treasury not otherwise appropriated so much as may be necessary, etc.

It seems to me that the intention of this language was merely to change the law in so far as it authorized this money to be held as a special fund, and did not go to the extent of changing any further provisions of it.

Mr. MANN. Mr. Chairman, the law which the gentleman cites does not sustain his position. The law which he cites provides that certain money shall be covered into the Treasury of the United States, and for a period of five years shall constitute a special fund, available as the Secretary of Agriculture may direct, for the extension, and so forth. The provision in the bill authorized the Secretary of Agriculture to use the sum of \$3,151,900 for the extension of forest reserves, regardless of and in conflict with the law, and does not limit this money to that which has been covered into the Treasury, and hence is an absolute change of law.

Mr. SCOTT. I wish to call the attention of the Chair, in addition to what I have said, to the fact that the current law uses the following language:

To pay all expenses necessary to protect, administer, improve, and extend the national forests.

Which is exactly the language now in question.

Mr. BONYNGE. Mr. Chairman, in support of the point of order I desire to call attention to the provisions of the agricultural bill of last year, which provides that hereafter no forest reserve shall be created, nor shall any additions be made to any heretofore created within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by act of Congress, which is the provision of the bill that the gentleman from Wyoming called attention to some time ago, and, in so far as this language extends the national forests, would conflict with or change that provision of law passed at the last session, which would be a change of existing law, and therefore subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SCOTT. I should like to inquire whether the point of order strikes out any of the language except the word "extend."

Mr. MANN. It strikes out the words "and extend." When you get to the amending point the word "and" should be inserted between "administer" and "improved."

Mr. SCOTT. I wanted to understand that.

Mr. MANN. That is all. Now, there are several other points of order that I wish to make later, if they are not made by other Members.

Mr. SCOTT. I again call the attention of the gentleman from Wyoming and other members of the committee to the fact that the word "hereafter," in line 1, on page 23, is new language; and the words "and Porto Rico," farther down in the same paragraph, in line 22, are new language.

The CHAIRMAN. Is there any other point of order to be made to language on page 23?

Mr. OLMSTED. Mr. Chairman, the portion of the paragraph to which I call attention on page 24 reads as follows:

And hereafter permits for power plants within national forests may be made irrevocable, except for breach of condition, for such term, not exceeding fifty years, as the Secretary of Agriculture may by regulation prescribe, and land covered by such permits issued in pursuance of an application filed before entry, location, or application, subsequently approved under the act of June 11, 1906, shall in perpetuity remain subject to such permit and renewals thereof.

Now, the act of June 11, 1906, provides that the Secretary of Agriculture may designate certain lands not necessary or desirable for the permanent forest reserves, and he may list them, and file his list with the Secretary of the Interior. Upon the filing of such list or description, the Secretary of the Interior is required to declare the lands open to homestead settlement at the time. Then it provides that those who had previously taken certain steps toward settling the land may perfect their titles under the act.

Then, there is a further provision found in section 3, that—

No titles acquired to agricultural land in the Black Hills Forest Reserve under this act shall vest in the patentee any riparian rights to any stream or streams of flowing water within said reserve, and that such limitation of title shall be expressed in the patents for the lands covered by such entries.

As to all other reserves the settlers did acquire riparian rights.

This clause in the pending bill provides that, even as to lands heretofore granted under the act of 1906, settlers may lose their riparian rights and the water privileges all be granted to somebody else for fifty years. This proposed bill if it shall become a law is to be read back into the patents and deprive them of the rights they have already obtained under the patents that the United States have granted in pursuance of the act of 1906. If any such lands were heretofore subject to temporary permits, this bill would allow the extension of those permits for fifty years without any compensation to the owner of the land and without even notice to him.

Without entering at all into the merits of this proposition that the Secretary of Agriculture may grant water-power rights for fifty years, it is clearly new legislation and a change of existing law. Inasmuch as it is proposed to have this paragraph read back into the titles heretofore granted, it is so outrageous a proposition that I can not refrain from making the point of order.

Mr. SCOTT. Will the gentleman reserve it?

Mr. OLMSTED. Certainly, I will reserve it to permit discussion.

Mr. SCOTT. Mr. Chairman, I can not agree with the gentleman from Pennsylvania that the latter part of the provision he has read would have the effect of depriving the homesteader of his homestead rights. It clearly harks back to permits granted for power plants, and does not, I am sure, refer to any other sort of title. The reason for suggesting new legislation, for I concede at once that it is new legislation, is that complaint has been made, and, in the opinion of your committee, very just complaints, that the development of the country was being hindered by the present law, which provides that permits for such purpose can only be made which are of a revocable character and may be revoked at any time upon the will of the Secretary of Agriculture.

It seemed reasonable to your committee that a permit should be issued which would be good for a definite period, subject of course to compliance with the contract conditions under which it was issued. It was solely in the interest of development of the country that this new language was put in here.

Mr. PERKINS. Does not the gentleman realize that fifty years is a long term; that many changes take place in half a century?

Mr. SCOTT. That was placed in there as an extreme limit.

Mr. SMITH of California. Will the gentleman allow me a suggestion? This has nothing to do with anything except a right of way over a possibly worthless mountain side. It in no manner touches water power.

Mr. MANN. The gentleman is mistaken.

Mr. SMITH of California. Except that you can not use the water power unless you pass over the land.

Mr. MANN. The gentleman is certainly mistaken.

Mr. SMITH of California. The water power comes from the State, not from the United States, and there is the seat of the whole difficulty and trouble.

Mr. MANN. The general law now provides—

Mr. SMITH of California. The general law does not give any water power in nonnavigable streams where these forest reserves are situated.

Mr. MANN. It gives the right of way.

Mr. SMITH of California. That is what we want.

Mr. MANN. This gives a permit for the power plant in the national forests.

Mr. SMITH of California. Of course you may want to occupy a little piece of ground to build your plant on, an acre or 3 or 4 acres, worth a dollar an acre.

Mr. MANN. How do you get the power plant?

Mr. SMITH of California. Build it.

Mr. MANN. How do you get the power plant in the forest reserves if this does not give the permit for it?

Mr. SMITH of California. I want to say in response to the suggestion of the gentleman from New York that we are dealing in this matter only with the trifling incident of a right of way, and maybe 3 or 4 acres of rough, worthless mountain lands on which to build a plant. We are not dealing with the principal thing—the water power. That comes under the laws of the State.

Mr. MANN. That is exactly what we are dealing with in this bill.

Mr. CRUMPACKER. Will the gentleman from California allow a question? In the forest reservations I understand the title to the soil is, in the main, in the Federal Government, and, as the owner of the soil, of course it would own the riparian privileges. It would own the private waters and could grant, in all probability—

Mr. BONYNGE. Why, Mr. Chairman, if the gentleman from Indiana will permit—

Mr. CRUMPACKER. And could grant in all probability the necessary permission, grant leases to use the water power. Private water, nonnavigable water, belongs to the owners of the bordering lands. The title to the soil under a nonnavigable lake or stream is in the owners of the adjoining land, and the right to the use of the water, under the common law at least, is in them, and the Federal Government, being the owner of the land, it seems to me would have the right to the water, and a lease for a power plant would necessarily come from the Federal Government.

Mr. SMITH of California. Mr. Chairman, the gentleman could not be worse mistaken if he were to try. That is not the law of the West.

Mr. CRUMPACKER. I do not know what the law of the West is.

Mr. SMITH of California. Mr. Chairman, the gentleman from Indiana propounded a matter of law in the form of a question to me, and I desire to say that the law of riparianism as announced by him is not the law which prevails in the Western States, and no one undertakes to say that it is.

In the hearings before the Agricultural Committee, the Chief of the Forestry Department expressly said again and again that the Federal Government has absolutely no ownership in the power, in the right to divert the water, but the only thing they have is the right of way, and maybe a few acres on which to plant the machinery. That is what we were discussing the other day when the gentleman from Mississippi [Mr. WILLIAMS] announced that very extraordinary Democratic doctrine, that the Federal Government could go into a State and tax a local industry. I say it is a matter of the utmost seriousness to us in the West. This question must be settled, and settled right, as it will be I know, that the Federal Government has no right or authority to go into the State of California and lay one penny of tax on an institution that is entirely within the State of California, and it ought to be ashamed of itself if it undertakes to extort a tax by way of a right of way over a piece of land that is not worth \$1 an acre.

Mr. CRUMPACKER. I want to say that I stated what I conceive to be the law. I know it to be the common law of the country. It may be the common law in relation to riparian rights does not obtain in the Western States. I am sure the gentleman from California [Mr. SMITH] is right, because he knows more about the law there than I do. Now, I think in the interest of time I shall insist on the point of order. We have not disposed of a single paragraph of this bill to-day.

Mr. MONDELL. Oh, Mr. Chairman, this is an exceedingly important matter, and I hope the gentleman will not insist on his point of order at this time.

Mr. CRUMPACKER. I will insist on the point of order.

Mr. MONDELL. The gentleman does not understand how serious this is, or I think he would not insist—

Mr. CRUMPACKER. I am going to insist if the gentleman from Pennsylvania [Mr. OLMSTED] does not. This paragraph will go out ultimately.

Mr. MONDELL. I shall insist if the gentleman does not, but I would like to have an opportunity to discuss this question.

Mr. CRUMPACKER. Are we in general debate or should we try to make some progress with this bill? It will take us three weeks to get through with the bill if we go on this way. In the interest of time I do insist upon the point of order.

Mr. BONYNGE. Before the Chair rules I want to ask the gentleman from Indiana [Mr. CRUMPACKER] if he will not withhold his point of order. The gentleman from Indiana [Mr. CRUMPACKER] has gotten up and made a statement as to what the law is in reference to the water rights in these States.

Mr. CRUMPACKER. My suggestion—

Mr. BONYNGE. We simply want to be heard on this proposition, that means so much to the people of the West and as to which the gentleman from Indiana and many other gentlemen have entirely mistaken ideas.

Mr. CRUMPACKER. I qualified my statement, Mr. Chairman. It would take two days to argue that law proposition.

Mr. MONDELL. I would like to be heard on the point of order.

Mr. CRUMPACKER. I insist on the point of order.

Mr. MONDELL. I would like to be heard on the point of order, Mr. Chairman.



The CHAIRMAN. The Chair is prepared to rule.

Mr. MONDELL. I do not know how the Chair is going to rule, but I would like to discuss the matter just briefly. I believe the point of order should be sustained.

The CHAIRMAN. The Chair was prepared to so rule. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I wish, then, to make a point of order on page 24, line 10, to the word "hereafter."

Mr. SCOTT. Mr. Chairman, in the next dozen lines or so—

The CHAIRMAN. The Chair will hear the chairman of the committee in reference to the point of order raised by the gentleman from Illinois.

Mr. SCOTT. I would like to make this statement, if the gentleman will permit me: The word "hereafter" is new, and the words "or administration and in the protection and improvement of the national forests," and also the words "administration, protection, and improvement." Those are all new words which are introduced. The word "hereafter," I shall say, is not new, but is simply a repetition of the language in the current act, and the language was renewed in order that it might be included in the law, and the words "or administration and in the protection and improvement of the national forests" and the words "administration, protection, and improvement," simply that the—

Mr. MANN. The gentleman and I are not talking about the same thing at all. The gentleman is talking about some other line.

Mr. MONDELL. For the information of the committee, I would like to know what point the gentleman from Illinois made.

Mr. MANN. I made the point of order on page 24, line 10, against the word "hereafter."

Mr. OLMSTED. I would like to know what the point is.

Mr. MANN. It is a change of law; it is not current law.

Mr. OLMSTED. Is not the whole paragraph a change of law, and, in that event, would not the word "hereafter" be all right?

Mr. MANN. The gentleman can make a point of order on the paragraph, if he pleases. I am not obliged to make a point of order upon everything that is subject to the point of order.

Mr. GAINES of Tennessee. Is the gentleman afraid of the "hereafter," or what?

Mr. MANN. I am much more afraid of the "hereafter" than of my friend from Tennessee.

Mr. OLMSTED. Mr. Chairman, it seems to me that if the point of order were made against the entire phrase in which that word "hereafter" is contained it would be subject to the point of order, but if it is allowed to remain I do not see how you can pick out one word and say it is out of order.

Mr. MONDELL. Mr. Chairman, I still have a point of order pending and I would like to now make the point of order.

Mr. MANN. The Chair has a point of order before him.

The CHAIRMAN. The Chair desires to inquire of the gentleman from Wyoming, who made a point of order to the whole paragraph, whether his point of order covers the language stated by the gentleman from Illinois?

Mr. MONDELL. I shall insist ultimately upon the point of order from the word "and," in line 10, down to and including the word "value," in line 15.

The CHAIRMAN. The Chair rules that takes precedence to the point of order made by the gentleman from Illinois. The Chair will hear the gentleman from Wyoming.

Mr. MANN. There is no question about it being subject to the point of order.

Mr. SCOTT. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Then, Mr. Chairman, I make the point of order—

Mr. SMITH of California rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SMITH of California. As I understood, the gentleman from Arizona has merely reserved the point of order and I desire to be heard to see if I could not prevail upon him not to make the point of order. I think it is a very meritorious proposition, and I hope it will be allowed to be put in the bill notwithstanding the rule.

Mr. MANN. It is clearly subject to the point of order.

Mr. SMITH of California. No doubt about that.

Mr. MONDELL. I would like to discuss the matter, but I shall insist upon the point of order.

Mr. MANN. I desire to make a point of order against the "hereafter," line 15, page 24, and also against the words commencing, line 19, with the word "and," and reading "and shall

constitute a special fund which is hereby appropriated and made available until expended as the Secretary of Agriculture shall direct, for the payment of expense of said investigations, administration, protection, and improvement by the Forest Service, and for refunds of amounts heretofore or hereafter received in excess of the amount found actually due." I make the point of order.

The CHAIRMAN. The Chair, first of all, desires to ask the gentleman from Wyoming [Mr. MONDELL] if he reserves a point of order against the whole paragraph?

Mr. MONDELL. I reserve the point of order against all of the language from the word "and," on line 15, page 24, down to and including the word "due," on the last line.

Mr. SCOTT. I submit that the only language subject to the point of order—

The CHAIRMAN. The Chair ought to be allowed to say that the point of order undoubtedly takes precedence.

Mr. MANN. If the gentleman from Wyoming makes a point of order against the entire paragraph, it undoubtedly precedes, and I want the point of order insisted upon.

Mr. CRUMPACKER. I object to the reservation. I insist that the point of order shall be made or withdrawn.

Mr. SCOTT. On the point of order I desire to be heard one moment, and that is to say that the only language designated by the gentleman from Wyoming which is subject to a point of order is the language "or administration" and "in the protection and improvement of the national forests," and, further down, the language "administration, protection, and improvement." With the exception of the language I have just read, all of the other language is existing law. It was simply repeated in order that these additional provisions might be included.

Mr. MONDELL. Mr. Chairman—

Mr. MANN. The gentleman does not claim it is existing law now?

Mr. SCOTT. Yes; for the reason that the word "hereafter" was included in the current appropriation bill.

Mr. MONDELL. Mr. Chairman, I reserve the point of order against the entire portion of the paragraph. I make the point of order against the words just referred to by the chairman as being new.

Mr. SCOTT. I concede the point of order on those words, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. On what does the Chair sustain the point of order? Will the gentleman state what the point of order is?

Mr. MONDELL. My point of order was against the words beginning with the word "or" in line 17, down to and including the word "forests" in line 18, and from and including the word "administration" in line 22, down to and including the word "improvement" in line 23.

Mr. MANN. Does the gentleman's point of order cover the permanent appropriation in this clause?

Mr. OLMSTED. Mr. Chairman, it seems to me that it is not in order to pick out two or three words here and there in the paragraph which would be altogether out of order if the point were made against it.

The CHAIRMAN. The Chair thinks the gentleman's point is well taken.

Mr. OLMSTED. The point does not cover any proposition at all.

The CHAIRMAN. Will the gentleman from Wyoming [Mr. MONDELL] state again the language covered by his last declaration?

Mr. MONDELL. The language covered by my point of order is the new language of this part of the paragraph. It begins on line 17, with the word "or," down to and including the word "forests," in line 18. And it begins with the word "administration," on line 22, down to and including the word "improvement," on line 23. I make the point of order as against that language, Mr. Chairman, as I assume that the balance of the provision is not subject to a point of order.

Mr. MANN. Mr. Chairman, I make the point of order against the balance of the provision, at least until we ascertain what the fact is. I did not find in the law that this is a permanent appropriation of this money. I beg to ask the gentleman from Kansas [Mr. SCOTT] in what portion of the current law is it provided that the money that may be paid in as contributions shall become a permanent, special fund?

Mr. SCOTT. Mr. Chairman, I was mistaken in saying the language was in the current law. It was in the act of 1906, and I read from the statute of that year as follows:

Hereafter all moneys received as contributions toward cooperative work in forest investigations shall be covered into the Treasury and

shall constitute a special fund which is hereby appropriated and made available until expended as the Secretary of Agriculture may direct, or for the payment of expenses of said investigations by the Forest Service, etc.

The committee will notice that the language I have read applies only to forest investigations. We desired in the present bill to allow that work to be extended to administration, protection, and improvement, and the language which is subject to the point of order is only such language as refers to administration, protection, and improvement.

Mr. MANN. So far as the point of order that I reserved differed from the one made by the gentleman from Wyoming, I withdraw it.

Mr. SCOTT. I may say that if the new words are to be stricken out, this whole clause might as well go out, because it is merely a repetition of what is in the act of 1906, and I have no objection to its going out.

Mr. MANN. Then I make the point of order, commencing in line 15 with the word "and," down to the word "due," in line 25. That leaves the law as it is.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MADDEN. Mr. Chairman, I desire to make the point of order against the words "in the District of Columbia and elsewhere," in line 23, page 25.

The CHAIRMAN. The Chair will ask the gentleman from Wyoming whether his point of order covers any language on page 25?

Mr. MONDELL. Mr. Chairman, I reserved the point of order beginning with the word "and," on line 3, page 25, down to and including the word "department," on line 13. I reserved the point of order on all that language, which does not include, however, the language referred to by the gentleman from Illinois.

Mr. CRUMPACKER. Mr. Chairman, as much as I would like to listen to a discussion of the forestry subject, I feel that I ought to object to reserving the point or order, in the interest of progress.

Mr. OLMSTED. This seems to be a reservation within a reservation. First, the reservation was made to the whole paragraph, and then to a clause in the paragraph.

Mr. CRUMPACKER. I am directing my opposition to this very clause.

Mr. MONDELL. I make the point of order beginning with the word "and," in line 5, down to and including the word "Department," at the end of line 13. I think it is clearly new legislation. It provides for the advance of funds; authority which is not given the Department now.

Mr. SCOTT. Mr. Chairman, it is unquestionably new legislation, but it was put in because it was almost impossible to administer the service without that authority.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MADDEN. I renew the point of order I made a moment ago. It includes the words "and for rent in the District of Columbia and elsewhere," page 25, line 23.

Mr. SCOTT. Mr. Chairman, speaking to the point of order, in the current law a specific sum was set apart for rent for the use of the Bureau, not to exceed \$20,000. That was the amount carried in the current law, and by the passage of a subsequent act of this Congress that amount was extended, I believe, to \$60,000. The change to which the gentleman from Illinois has called attention was made merely in the interest of uniformity. All other bureaus of the Departments have a provision allowing them to expend funds for rent in the District of Columbia and elsewhere. I suppose that every Department of the Government is renting buildings or other property either in the District of Columbia or elsewhere, and I hardly see why that authority should be denied to the Department of Agriculture. I trust, therefore, that the gentleman will not insist on his point of order.

Mr. MADDEN. I must insist upon the point of order, Mr. Chairman.

The CHAIRMAN. The Clerk will read.

Mr. MADDEN. Was the point of order ruled upon?

Mr. BURLESON. I offer an amendment to line 18.

Mr. OLMSTED. Was the point of order ruled upon?

The CHAIRMAN. The Chair understands that the gentleman from Illinois withdrew his point of order.

Mr. MADDEN. I beg the Chair's pardon.

The CHAIRMAN. The Chair understands the point of order was not withdrawn. The Chair will hear the gentleman from Kansas.

Mr. SCOTT. That is a point of order, it seems to me, which might be just as fairly applied to all the appropriation bills authorizing all the Departments of the Government to rent premises in which to carry forward the work which the law requires them to do, and I can hardly see how the Chair can sustain it. It is certainly a continuation of a work which has been begun and a necessary expense incurred therein.

Mr. MADDEN. It is a matter clearly in the jurisdiction of the Committee on Appropriations that all expenditures for the Departments within the District of Columbia come within the jurisdiction of the Appropriations Committee, except this Department. And I think this Department should come in the jurisdiction of the same committee. I submit that this is not a matter that should be included in this bill, and hence my purpose in making the point of order.

Mr. SCOTT. The gentleman does not mean to be understood as saying that no money can be appropriated for the Department of Agriculture to be expended in the District of Columbia through the Committee on Agriculture?

Mr. MADDEN. I said except through that committee.

The CHAIRMAN. The Chair understands that the Agricultural Department is the sole exception to the rule laid down by the gentleman from Illinois—that the Appropriations Committee has no jurisdiction—

Mr. MADDEN. What I said was, Mr. Chairman, that this is new legislation on an appropriation bill.

The CHAIRMAN. It has been held over and over again that an appropriation for rent and repairs of buildings used for the public service was a continuation of a public work. It seems to the Chair, therefore, that the point of order is not well taken. The Chair overrules the point of order.

Mr. BURLESON. Mr. Chairman, I offer the amendment which I send to the Clerk's desk. It is to amend, after the word "timber," in line 18, page 22, by inserting the following words:

To ascertain by investigation a means of preventing the ravages of the *Phoradendron flavescens*, commonly known as "mistletoe."

Mr. SCOTT. I quite agree with the gentleman that the animal ought to be exterminated, whatever it is, but I reserve the point of order. [Laughter.]

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "timber," in line 18, page 22, insert the following:

"To ascertain by investigation a means of preventing the ravages of the *Phoradendron flavescens*, commonly known as 'mistletoe.'"

Mr. MADDEN. I reserve the point of order on that.

Mr. BURLESON. I will say to the gentleman that it is not subject to the point of order.

Mr. MADDEN. I reserve it.

Mr. CRUMPACKER. I object to the reservation of the point of order. If it is not subject to the point of order, let us have it settled now, and then the gentleman can debate the merits of his amendment.

Mr. BURLESON. It is not subject to the point of order.

The CHAIRMAN. The Chair overrules the point of order.

Mr. BURLESON. Mr. Chairman, the mistletoe is a parasitic character in the North; is entirely different from its character pest which is destroying many of the trees in the South. It is in the South, where it is much more destructive to trees upon which it fastens. After a tree has become thoroughly inoculated with the poison of the mistletoe it dies within about seven years. It is a most pernicious and destructive parasite, and earnest efforts have been made by the thoughtful arboriculturists throughout the South to bring the destruction being wrought by this pest to the attention of scientists in the Agricultural Department; but because of the difference between this pest in the South and in the North, where it is comparatively harmless, the scientists in the Department of Agriculture have not seemed to attach the importance to the matter that they should. I send to the Clerk's desk and ask that he may read a communication from the secretary of the Audubon Society, in Texas, which pictures the severe damage being done there by the mistletoe and sets forth the damage to the forest that I am now seeking to bring to the attention of the committee.

The CHAIRMAN. The Clerk will read it in the time of the gentleman from Texas.

Mr. GAINES of Tennessee. May I inquire of the gentleman if this is the mistletoe we read about?

Mr. BURLESON. It is the same mistletoe around which so many tender memories cluster.

Mr. DOUGLAS. I should like to ask the gentleman whether he is married or single? [Laughter.]

Mr. OLMSTED. Does the gentleman want to abolish the mistletoe in leap year? [Laughter.]

Mr. BURLESON. I realize that, to many, tender recollections cluster around this plant, but this is not a time for sentiment. This is a practical age. We are practical men here dealing with practical matters. I am a practical man, hence I offer this very practical amendment. It is in the interest of the forests of the country; it is in order to preserve from destruction our trees that I offer this amendment.



Mr. GAINES of Tennessee. Will the gentleman give up the memories of the past for the forests of the future?

Mr. BEALL of Texas. Out of consideration for the gentleman from Tennessee will not my colleague withdraw this amendment? [Laughter.]

Mr. GAINES of Tennessee. I wanted to find out whether I had any friends on this proposition.

Mr. BURLESON. I beg to assure the distinguished gentleman from Tennessee that I am his friend, but at the same time I am not unmindful of the importance of preserving our forests, and I love my State of Texas even more than I do my friend from Tennessee; hence must insist on my amendment. I ask the Clerk to now read, and I invite the attention of the Members of the House to this communication.

The Clerk read as follows:

SHOULD WAR ON THE MISTLETOE—AUDUBON SOCIETY URGES GOOD WORK ON ARBOR DAY—POISONOUS PARASITE IS KILLING TREES AT AN ALARMING RATE, AND IT IS TIME TO ACT VIGOROUSLY.

WACO, February 22, 1908.

The Texas Audubon Society respectfully urges that in addition to the planting of trees on the 22d of February, observers of Arbor Day take steps to destroy the poisonous mistletoe, which is killing trees about as fast as they are planted.

This pest is particularly prevalent in the Gulf States, and although the Forest Service of the Department of Agriculture intends in the future to take up the work, so far scanty appropriations have prevented; hence it devolves on private citizens to take steps at once, if they would preserve their forests and their trees.

Every municipality in Texas is afflicted with the pest, and it has been stated by an authority that the life of a tree when thoroughly inoculated with mistletoe poison will terminate in about seven years. It is carried from one tree to another by certain birds feeding on the berries, and wherever it finds lodgment on trees susceptible to its deadly parasitic growth, its blight proves fatal in time, unless heroic treatment be applied. At this season while the evergreen parasite is clearly discernible upon the bare boughs the work should be done.

The Texas mistletoe (*Phoradendron flavescens*) differs materially from its kindred parasite evergreen of Europe (*Vicium album*), held in veneration by the Druids, which is kept in check in the Old World, but cultivated to some extent for winter decoration. The variety of the cotton States is far more pernicious, and must be wholly exterminated or the trees will all perish from its baleful blight. Anyone may observe from car windows that entire forests are being killed by mistletoe.

It is a beautiful, but horrible, parasite, and can only be destroyed finally by cutting off the entire bough on which the growth appears. Cutting out the parasite and leaving the limb affords temporary relief, but it is not the kind of treatment the case demands, for it will certainly reappear on the same bough at some other point.

An appeal has been made by this society to Mr. Gifford Pinchot, the National Forester, and he will, as soon as he can, no doubt send experts into the South to give the people advice about the destruction of the mistletoe.

The hackberry, which is popular in the cities as a shade tree, is one of the favorites of these poisonous parasites, and in nearly every city in this State where hackberry trees have been planted about 25 per cent of them have already died from mistletoe poison.

Propagating itself through its innumerable seeds, one plant growing on a bough will inoculate all the trees within a block, and each tree becoming the host of the parasite will extend the work of destruction to its neighboring trees. Thus the pest moves on until enormous areas are infected and the process of decay started. We urge that those who go out on next Arbor Day to plant trees will also go out armed with apparatus for pruning the boughs looking to the extirpation of the poisonous mistletoe parasite.

M. B. DAVIS,

Secretary Texas Audubon Society.

Mr. BURLESON. Now, Mr. Chairman, in all seriousness, I hope the amendment will be adopted. I shall not ask for an increase of this appropriation at all, but I do ask that this item be embodied in the bill, in order that the attention of the scientists of the Department may be directed to the ravages of this pest to the end that they may send to the South, not for the purpose of destroying this parasite, but for the purpose of discovering, if possible, a practical means of destroying it, and that this information be embodied in a bulletin and distributed throughout our section of the country. The people will, utilizing this information, for themselves destroy this parasite. The mistletoe has undoubtedly wrought great damage, especially to our shade trees in the cities of the South, and if the chairman of the Committee on Agriculture has no objection, I should like to have this item embodied in the bill. As stated, I will ask for no increase in the appropriation.

Mr. SCOTT. Does the Chair rule on the point of order?

The CHAIRMAN. The Chair overruled the point of order.

Mr. MONDELL was recognized.

Mr. GAINES of Tennessee. Mr. Chairman, I think, under the peculiar circumstances, "X rays" ought to have something to say about this matter first.

The CHAIRMAN. If the gentleman from Wyoming will excuse the Chair, the Chair will recognize the gentleman from Tennessee. [Laughter.]

Mr. GAINES of Tennessee. I thank my friend from Wyoming. Mr. Chairman, so far back that the memory of man runneth not to the contrary the mistletoe has had a history that clusters around memories near and dear to every man's heart in this House and out of it. Why, Mr. Chairman, the very reading of this article at the desk has resulted in the fair

women leaving the galleries. It has instantly affected the upper House as it were. The gentleman from Texas says that this is an age devoid of sentiment and that it is one of business, and down South the mistletoe is growing on the shade trees, and therefore the mistletoe should be destroyed.

Mr. Chairman, I was reared in the South, and I have gathered about the shade tree, and often longed after I grew up for all the sweetness that I was told clusters around the mistletoe, just as you all did, and I never saw any there. There are too many shade trees in this world anyway. [Laughter.] I stand by the mistletoe, and long to stand by those who "stand under the mistletoe."

From what the gentleman from Texas says, I think he loves the shade trees more than he does the mistletoe. I am astonished that a man so full of sentiment as is the gentleman from Texas should want to destroy the mistletoe; that he should stand here in this great Hall, surrounded on the floor by gallant men, with the galleries dotted and adorned with beautiful women, and offer an amendment that the mistletoe is to be hunted to the death.

Mr. Chairman, the gentleman could even reflect upon the thoughts of that immortal writer, Charles Dickens, who thus wrote of the mistletoe:

From the center of the ceiling old Wardle had just suspended with his own hands a huge branch of mistletoe, and this same branch of mistletoe instantaneously gave rise to a scene of general and most delightful struggling and confusion; in the midst of which Mr. Pickwick, with a gallantry which would have done honor to a descendant of Lady Tollinglower herself, took the old lady by the hand.

Ah, Mr. Chairman, the mistletoe is so inspiring that it begets gallantry not alone in the South, but in this case it moved this gallant to take even the old lady by the hand [laughter]—led her beneath the mystic branch and saluted her in all courtesy and decorum.

So characteristic of gentlemen from Texas.

The old lady submitted to this piece of practical politeness with all the dignity which befit her so important and serious a solemnity, but the younger ladies, not being so thoroughly imbued with a superstitious veneration of the custom, or imagining that the value of a salute is very much enhanced if it cost a little trouble to obtain it, screamed and struggled and ran into the corners and threatened and remonstrated—

If the gentleman will offer an amendment to stop that, I will vote for it [laughter]—

and did everything but leave the room, until some of the less adventurous gentlemen were on the point of desisting, when they all at once found it useless to resist any longer and submitted to be kissed with a good grace.

And yet we are asked to be witnesses and particeps criminis to the destruction of this beautiful and inspiring flower by the American Congress.

Mr. Winkle kissed the young lady with the black eyes, and Mr. Snodgrass kissed Emily; and Mr. Weller, not being particular about the form of being under the mistletoe, kissed Emma and the other female servants just as he caught them. As to the poor relations they kissed everybody, not even excepting the plainer portion of the young lady visitors, who, in their excessive confusion, ran under the mistletoe directly it was hung up without knowing it.

Mr. BURLESON. I want to say to the gentleman from Tennessee that I am not trying to destroy the mistletoe in Tennessee.

Mr. GAINES of Tennessee. The gentleman will never accomplish it by getting Tennessee to join Texas.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. I ask for five minutes more.

Mr. SCOTT. Mr. Chairman, as delightful as this is, I shall have to object.

Mr. GAINES of Tennessee. If the gentleman is tired from my reading from the immortal Dickens in defense of the mistletoe, I will send to the desk two verses as a parting shot and ask to have them read.

The CHAIRMAN. The gentleman asks unanimous consent to have read by the Clerk the matter which he sends to the desk. Is there objection?

There was no objection.

The Clerk read as follows:

What! Would they destroy thee, forgetting the past,  
So long thou hast played in affairs of the heart,  
Forgetting the days of the dear long ago,  
The loves that enshrine thee, thou dear mistletoe?

The beauties who dared and the gallants who won,  
The romances dear that by thee were begun;  
Then surely has gallantry faded from earth  
And departed forever life's pleasure and worth.

[Applause.]

Mr. MONDELL. Mr. Chairman, after a speech and reading as beautiful as that to which we have just listened, I rather regret to have to come down to earth and discuss the amendment offered by the gentleman from Texas [Mr. BURLESON], and while

I may be considered ungallant by my friend from Tennessee [Mr. GAINES] for doing so, I am inclined to think that I shall favor the amendment. When the gentleman first read it, however, not being familiar with Latin, I imagined that he referred to an altogether different sort of bird.

Mr. OLMSTED. Some kind of a disease?

Mr. MONDELL. I imagined the gentleman had reference to some of the pests that the Forestry Service in the past has been endeavoring to exterminate. I simply want to say to him that if his amendment should pass, I hope and trust the Forestry Service will be more successful with the extermination of the mistletoe, within reasonable bounds, still leaving a sufficient amount for our gallant friend from Tennessee and his friends, and I think there is no danger but there will be quite enough mistletoe left for all proper purposes, even if this amendment should pass.

In view of the experience we have had in regard to some other investigations and attempts at extermination which have been taken up by the Forestry Service, I hope they will have more success than they have had in the extermination of other pests. For instance, a number of years ago they embarked upon a crusade for the extermination of a certain beetle that was ravaging the forests of the Black Hills of South Dakota and Wyoming. They first started in to prevent the spread of this pest, which was rapidly destroying the pine in that region, by putting an end to the infested timber cutting that the Interior Department had inaugurated for the purpose of putting an end to the extension of the work of the pest. Having done that, they invited the bugologists from the various Departments of the Government to go into that forest reserve with their telescopes and microscopes and various other instruments for the examination of the destructive bug critter, and they spent something like a year or two endeavoring to find out what the habits of the animal were. Finally they concluded that perhaps the Interior Department was not so far wrong when it set about the cutting of the trees in advance of the forward movement of the army of pests, and so at altogether too late a day to be successful they returned to the policy that the Interior Department had adopted years before.

However, it was adopted at too late a period, with the result that they have been compelled to offer for sale practically every mature tree in that forest reserve, over half as large as the State of Massachusetts, and they have been compelled to sell it at any price in order to encourage the cutting of the timber. There is not sufficient demand, neither are conditions such as make possible the cutting rapidly enough to prevent the further spread of the scourge, and the beetle is now passing beyond the heavier forests of the Black Hills in South Dakota into adjacent regions in Wyoming. If the Forestry Bureau, with an expenditure of a large amount of money, is no more successful in the extermination of the mistletoe than it has been in the extermination of this pest in the Black Hills region, our friend from Tennessee need have no fear but that there will be plenty of mistletoe left.

Mr. WATKINS. Mr. Chairman, I would like to consume the five minutes time which I will have in discussing this question. The statement of the gentleman from Texas [Mr. BURLISON] will indicate that in a very short time, unless the mistletoe is destroyed, the forest will not only be injured, but will be greatly depleted. That, of course, would bring about an increase in the price of wood pulp and in other ways increase the price of timber products. Many of us in this House to-day have received telegrams insisting that we do what we can to protect the wood-pulp interests. As this question is one of vast importance, I will condense what I have to say in the very fewest possible words.

In his message sent to Congress on Wednesday, the 25th instant, the President said:

I am of the opinion, however, that one change in the tariff could with advantage be made forthwith. Our forests need every protection, and one method of protecting them would be to put upon the free list wood pulp, with a corresponding reduction upon paper made from wood pulp, when they come from any country that does not put an export duty upon them.

Mr. POLLARD. Mr. Chairman, I raise a point of order. The gentleman is not discussing the question before the House. How does the paper question have any relation to mistletoe?

The CHAIRMAN. The gentleman is discussing the subject with reference to the forests. The Chair thinks the gentleman is in order.

Mr. WATKINS. The newspaper is one of the main civilizing agencies of the world. In this country it sheds its light in 15,000,000 homes. The family hearthstone is made cheerful by its presence, the labors of the office are made more congenial, politics are enlivened, policies are broadened, prejudices are subdued, and a broad, enlightened civilization is consummated by it.

While to-day the newspaper industry is working in harmony

with organized labor, its operating expenses are higher, because union labor is more expensive than unorganized labor was a few years ago. There is a tariff upon everything which goes to make a newspaper—the pulp, the type metal, the steel, the brass, the copper, print paper, coloring materials, and even the pencil which the editor pushes—but we still see some of the great city dailies selling for a cent apiece. Still, there it not a dollar of protection furnished this industry by the tariff bill.

The tariff on printing paper suitable for newspapers, valued at not over 2 cents per pound, is three-tenths of a cent a pound, or \$6 a ton; on ground wood pulp, one-twelfth of a cent per pound, or \$1.67 a ton. This is purely and simply a donation to the paper trust and a tax on the newspapers and other printing interest in the country, for there are no importations of these materials worth mentioning.

Mr. POLLARD. I insist on the point of order. The gentleman is not discussing the question before the House.

Mr. SULZER. The Chair has already ruled on that question.

Mr. POLLARD. The question before the House is the amendment submitted by the gentleman from Texas [Mr. BURLISON].

The CHAIRMAN. The gentleman from Louisiana [Mr. WATKINS] started out with the assertion that the effect of the mistletoe would be disastrous, if allowed to continue, upon the wood-pulp problem. Now, the Chair is not informed whether the mistletoe injures trees that are converted into wood pulp or not, but he assumes that that is the fact. The gentleman is in order.

Mr. WATKINS. The printing and publishing business ranks seventh in the line of manufacturing industries, coming ahead of cotton manufactures, woolen manufactures, and of boots and shoes, but being lower in rank than iron and steel, clothing, lumber, and timber, all of which industries are protected, except the printing business. When this stone wall of protection was constructed around the wood-pulp and print-paper industry the natural consequence followed—the paper trust was formed. It appears from the message of the President that an effort is to be made to organize good trusts. The cleaning of the "Augean stables" was pastime—mere play—compared to the task of forming good trusts.

The devil was sick, the devil a saint would be—  
The devil got well, and the devil of a saint was he.

Let us glance at this paper trust, the child of the protective-tariff bill. The International Paper Company filed articles of incorporation in New York State January 31, 1898. Its capital stock authorized was \$45,000,000 and authority to issue \$10,000,000 in bonds, a total of \$55,000,000. Twenty-four large paper mills were merged into the company and subsequently others were "taken in." This octopus alone is sufficient to deal with, without investigating the Great Northern Paper Company.

This trust proposed to reduce prices by eliminating long-credit sales, cutting out insolvent customers, by purchasing in large quantities at low prices, getting low freight rates, displacing salesmen and middle men, and so forth. When they organized they succeeded in finding a man who would act as president for \$50,000 a year. The salaries of the vice-presidents and some of the local managers was fixed at \$15,000 a year, and the superintendents at the mills had their salaries raised. Enormous sums of money were spent in buying up and maintaining old and dilapidated independent plants to keep down competition. That competition which had caused courteous treatment to customers and had placed honest goods upon the market being at an end, there was substituted a spirit of indifference and a shoddy class of goods, which made the change in the conditions of things bad enough; but the burden of the newspaper men became almost intolerable when the output of mills belonging to the trust were put upon the market.

Prior to consolidation the news-print paper mills received about 1½ cents per pound, or \$35 per ton for paper. They could not have made this consolidation if they had been left in open competition with the world; but the Dingley tariff bill closed out competition from Canada and all other foreign countries by increasing the duty on mechanically ground wood from \$1.20 to \$1.67 per ton, and the duty on news-print paper \$6 per ton. Right then the American mills could make paper cheaper than any other mills in the world and no news-print paper was being imported into this country. The object of the increase in the tariff evidently was not for the purpose of raising a revenue, but was for the purpose of raising the price of paper.

In 1901, within three years, the price had risen from 1½ cents per pound, or \$35 a ton, to \$41 per ton, making an increase of \$6 per ton, if the form of the old and the new contract had been the same and if the quality of the paper for like grades had been the same; but under the new form of contract the difference was about \$2 in favor of the mills, making a difference of \$8 per ton. But they do not stop. The prices



are still soaring; they are advancing by leaps and bounds. Mr. Herman Ridder stated in an address last October that the price of print paper had advanced \$12 per ton upon a consumption of 900,000 tons, an addition of \$10,000,000 in one year. He also states that the newspapers of this country pay \$58,000,000 annually for white paper. How patient, how forbearing, how long-suffering have these newspapers been? As the molders of public opinion they could almost cause a revolution if they would.

The paper trust is only one of a large number of these "hydra-headed" monsters which are now tightening their hold upon the people. Then shall we not look on with horror when we contemplate the organization and perpetration of every line of industry into giant monopolies, encouraged and protected by the Government? If this is done, we will bid farewell to States rights, to individual liberty, to the equality of all men before the law, and humble ourselves in sackcloth and ashes before the plutocracy of the country and as suppliants bow down before the throne of our rulers.

During the foregoing the time of the gentleman from Louisiana expired, and by unanimous consent he was granted leave to extend his remarks in the Record.

Mr. SCOTT. Mr. Chairman, I move that all debate on this amendment be now closed.

The motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Texas.

The question was taken, and on a division (demanded by Mr. Scott) there were—ayes 38, noes 43.

So the amendment was rejected.

Mr. SMITH of Arizona. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of line 24, page 25, insert "that no other executive reservation shall hereafter exist within any forest reservation."

Mr. SCOTT. Mr. Chairman, I make the point of order.

Mr. SMITH of Arizona. I ask the gentleman to reserve it for a moment.

Mr. SCOTT. I reserve it for five minutes.

[Mr. SMITH of Arizona addressed the committee. See Appendix.]

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 25, at the end of line 24, add:

"That no part of the money herein appropriated shall be used to pay the transportation or traveling expenses of any forest officer or agent except he be traveling on business directly connected with the Forestry Service and in furtherance of the works, aims, and objects specified and authorized in and by this appropriation."

Mr. MONDELL. Mr. Chairman, in support of this amendment I desire to call attention to the fact that this is a very large appropriation; that even should the appropriation ultimately be cut down, as I hope it will be, to the amount originally asked for or estimated by the Department, even then there will be \$1,172,000 to be expended under the general discretion of the Secretary of Agriculture. And I desire to call attention in this connection to the fact that the itemized statement furnished to the committee indicates that very large sums of money have been used for traveling expenses, and that very large expenditures for the same purpose are in contemplation.

Mr. Chairman, it is a matter of common report throughout all the Western country that no important public gatherings can be held anywhere in that region—and I do not know but that it is true in regard to the East—without the presence at such gatherings of a considerable number of forest officers from Washington and other parts of the country. The Chief of the Forestry Bureau is quite generally invited to such gatherings as I have in mind, and also, no doubt, other officers of his Bureau; but, in addition to that, it is notorious that no important congress or convention has been held in the West in the recent past proposing an expression of public opinion on any subject or subjects directly or indirectly affecting the Forestry Service that we have not been blessed with the attendance of a large number of the gentlemen of this Bureau.

They are delightful gentlemen. The people of the West are glad to see them. Within reason they ought to travel about and become acquainted with conditions. But it is sometimes felt that these gentlemen appear in such numbers as to very largely control the sentiment of meetings held for an expression of the public opinion of the region. A meeting was held in

Denver last summer, in June, if I recollect rightly, at which we had in addition to the presence of the head of the Forestry Bureau, who was there by invitation, the presence of a number of gentlemen whose fares from Washington and other parts of the country I have no doubt the Government paid, all of whom were exceedingly active, as I have reason to know, in making known the views of the Forestry Service in regard to certain matters, and attempting, with some attempt at disguising of it, to influence the final action of that meeting in the line of their views and in the support of the policy of the Forestry Bureau. There were, it is true, a very fair sprinkling of gentlemen of other bureaus, but my idea is that the Forestry Bureau probably furnished the largest quota.

The meeting held at Sacramento last fall, the National Irrigation Congress, witnessed a somewhat similar condition of affairs. A considerable number of gentlemen there were from the Forestry Bureau. A number of those from the Government bureaus were on the committees on resolutions, and so a meeting held for the purpose of obtaining an expression of Western opinion became a meeting at which the opinion of officers of the Government bureaus were recorded in resolution. These facts are notorious. You can not hold an important public meeting anywhere west of the Mississippi River for the purpose of getting an expression of public opinion that you do not have the presence of large numbers of Government officers. Now, we are fond of these gentlemen, but we do feel that this thing is being rather overdone. We like to have them at our gatherings, and the chiefs of these bureaus are always invited; but I doubt if it is a proper expenditure of public money to pay the car fare and traveling expenses of public servants except when they are traveling on public business; and of course if these gentlemen attend public gatherings on invitation for the purpose of discussing public questions it is proper that their expenses should be paid, and this amendment would not interfere with that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask unanimous consent, Mr. Chairman, to continue five minutes.

Mr. POLLARD. Mr. Chairman, I will have to object.

Mr. MONDELL. I ask for a vote on my amendment, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

Mr. SCOTT. Mr. Chairman, I have just one word to say in answer to the gentleman from Wyoming [Mr. MONDELL]. The statements which he has made constitute a very severe indictment of the Chief of the Forest Service, who is responsible, undoubtedly, for such a condition of affairs as the gentleman has described, if such a condition exists. My information is entirely different from that of the gentleman. My information is that no member of this Bureau attended the meeting at Denver, going from Washington, except the Chief of the Bureau, who was specially invited. My information is that a dozen or so of the employees, supervisors and inspectors, engaged in forest work near Denver were asked to come in there at the time the meeting was held, in order that they might consult with the Chief of the Bureau over official work. I feel quite certain that such a condition as the gentleman from Wyoming [Mr. MONDELL] described does not prevail, and in support of that I wish to quote the opinion of the Secretary of the Interior, Mr. Garfield, who, when brought before the Committee on Expenditures in the Department of Agriculture last year, made this statement:

He says:

As a member of the Keep Commission, I personally went through the Forest Service and examined the various divisions, the methods of accounting, the methods of bookkeeping, the method of safeguarding the supplies and the issue of supplies, the system of handling correspondence and vouchers, the system of filing, the methods in vogue for attending to the work of the aforesaid Service so far as the records of the office were concerned—that is, the reports of the agents in the field, the officers in charge of the forest reserves, and the officers who were the general inspectors in the different districts—examining the reports sent in by these officers, and following through the actions by the Forest Service upon those reports or recommendations. The general result of this investigation was that the committee unanimously agreed that the general system in force in the Forest Service was one of the most complete and most satisfactory of any of the offices which were examined by the committee.

And in commenting upon that the Littlefield committee said:

We have no hesitation in saying, so far as we have been able to examine this Bureau from the testimony of its officials on oath before us, and our personal inspection of the work, that we heartily concur in the conclusions testified to by Mr. Garfield with reference to the efficiency and character of this Bureau.

Certainly such a statement as that in regard to the efficiency and character of the Bureau would not be given if the Chief of the Bureau were guilty of any such radical misuse of the funds at his disposal as would be implied from the statement which

has been made. I have no objection to the amendment in itself, but I shall oppose it on the ground that it is wholly unnecessary, for the bill now before the House provides for "official traveling expenses" and with the word "official" before the phrase "traveling expenses" no other use can be made of funds for such purpose except "official use."

Mr. MONDELL. Mr. Chairman, in view of the fact that the gentleman has stated so positively that I must be mistaken, I think I owe a duty to the House to suggest that I have not made the statement that I have made without knowledge. I know that there were officials of the Forestry Service whose duties are generally and, so far as I know, always performed in Washington that were in Denver at that time. I do not know that the gentlemen may not have been detailed a short time before to some Western point and ordered from that point to Denver, but that they were present there is no question. It is notorious that Government officials were present in considerable number, and every man who was at that convention and is acquainted with these folks knows it.

I am also aware that public men of the West do not lightly make statements that may not be pleasing to the Forestry Bureau, for it is felt that it is not safe for a man to differ with the Forestry Bureau, or make a statement not favorable to it, for it has such influence over the country, and it uses that influence in such a way that a man's motives are likely to be impugned, and men are quite certain to be attacked in certain newspapers and certain periodicals of the country if they presume to even suggest that this Service is not entirely free from and above all criticism. I appreciate those facts, Mr. Chairman, in connection with the statements that I am making here, still I insist that there were a considerable number of the men of the Service at Denver and at other meetings, and I do not believe their presence was necessary there. I call the gentleman's attention to the fact that there are large sums—\$160,000 in one sum—for traveling expenses that run through this book of items.

I have not had much opportunity to go over it carefully, but there are many items where the traveling and field expenses exceed all other expenses. Here is a vast sum, Mr. Chairman, that is used as the Forester desires to have it used; and the statement of the Secretary of the Interior, I call to the attention of the gentleman, in no way had reference to the character of the expenditures, but to the bookkeeping. I have no doubt they have a perfect system of bookkeeping. I assume they have; but I am quite confident that the Secretary of the Interior did not have the opportunity to go into the question of just how and for what purpose and as to the necessity for all of these expenditures. We of the West who have seen these things know of them, and we do know that the expenditures for this Service have been extravagant and, in my opinion, the appropriations have in part been used for purposes never contemplated by the law providing for the Service.

Mr. DRISCOLL. Mr. Chairman, on account of the statements made by the gentleman from Wyoming, I think we ought to have that amendment reported again, so we will know what it is.

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SCOTT. I will ask the gentleman if he has any objection to inserting the word "provided" before "that," so that it will read, "provided that no part of this sum," and so forth.

Mr. MONDELL. I have no objection to that.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that the word "provided" be inserted at the beginning of that amendment.

The CHAIRMAN. If there be no objection it will be so ordered.

Mr. HACKNEY. Mr. Chairman, I offer an amendment, to insert in line 8, on page 23, after the word "Department," the words "on request from them."

The Clerk read the amendment, as follows:

Page 23, line 8, after the word "Department," insert the words "on request from them."

Mr. HACKNEY. This amendment is offered to avoid a duplication of work in the Department.

Mr. SCOTT. Doubt is expressed by gentlemen around me as to whether the words to which that amendment applies did not go out on a point of order.

Mr. HACKNEY. No; that was withdrawn by the gentleman from Wyoming. I asked then if there was no danger of a duplication.

Mr. SCOTT. I have no objection to that amendment going on. The amendment was agreed to.

Mr. DRISCOLL. Mr. Chairman, I move to strike out the last word, and I will take the time of the committee for only a minute or two. The people of our country are becoming very much interested in forestry and in the preservation of our forests so far as possible. New York was the pioneer in this work. It commenced the preservation of its forests before any other State and before the National Government. It has expended up to date more than any other State and more, I think, than all the other States combined for this purpose. It owns now about a million and a half of acres in forest reserves. The man in charge of the forests, fish, and game of our State is Hon. James S. Whipple. He is an able man, who has given much time and attention to this subject. On the 3d of February he delivered an address to the New York legislature in joint session. That address is not long, but it contained very much useful information on the question of forestry and forestation in this country and other countries and incidentally on the matter of the preservation of game and fish. It is also well written as to form and literary merit. You will enjoy reading it, and I ask unanimous consent to extend this address in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The address is as follows:

*Address to the legislature of the State of New York by James S. Whipple, commissioner of forests, fish, and game.*

As you know, the department has jurisdiction bounded by the limits of the State. It comprehends the enforcement of the laws relating to fish, including shellfish, game birds, game and fur-bearing animals, and the forests. It has a force of 75 protectors, 40 men engaged in fish cultivation, 750 fire wardens (subject to call), 4 scientific foresters, 5 inspectors, and 3 land appraisers, together with the office clerical force and a legal department.

The department gathers fish eggs each year and artificially propagates 255,000,000 fish, and plants them in the State waters, generally distributed. This requires painstaking, skilled labor.

A reasonable enforcement of the laws results in about 1,300 actions of all kinds each year, requiring the most active and energetic work on the part of the protectors in the first instance, and of the legal department finally. To handle each year more than 400 litigated cases, many in courts of record, and 900 lesser ones, with the small force we have is a task that keeps every man connected with that part of the work constantly busy.

The care of the forests, which extend over 110 miles square, protecting them from fire on the one hand, and from trespassers on the other, is in itself a difficult task. The rearing and planting of 500,000 seedling trees each year requires the labor of ten skilled men in this work constantly, and that of 100 more men in planting time. We expect to plant this year 1,100,000 trees. Two men plant about 1,400 trees per day. The careful examination of 100,000 acres of timber land offered for sale to the State each year requires the constant labor of three men skilled in such work. The examination of the titles offered for sale requires the constant labor of a good lawyer every working day in the year. The clerical work in receiving, answering and carrying on the correspondence between the two officers and the people at large, and also that necessary to manage the many men in the field and at the fish hatcheries is a task which practically swamps the clerical force of the Department. That work increases and multiplies as the activity of the Department and the interest of the people in the work increases.

The law in relation to all of these subjects is to some extent ill-advised, incongruous, contradictory, and in some respects entirely inadequate. These several observations are first made that you may better understand the scope and importance of the work.

These questions are naturally suggested: Why all this work and expenditure of money? By it, what is obtained? How are the people benefited?

We are here to-night to answer these questions and to appeal to you, the chosen representatives of the people, to lend every assistance in your power to carry on this work, which we believe is more important to the people at large than the work of any other Department.

The necessity for the propagation and distribution of fish and the necessity of the enforcement of the law is apparent when it is remembered that in this State there is annually consumed for food more than \$11,000,000 worth of fresh fish; that more than \$30,000,000 worth are taken from the waters in our jurisdiction; that very much of this valuable fish product may be destroyed by improper fishing, or by not stocking our lakes and streams, or by the loss of the forests of the State. We must never lose sight of the fact that the best inland lake or the best trout stream may have its fish supply destroyed in a single year were there no restrictions placed on fishing. Restrictive laws are necessary. Law is simply a rule of action. When there were few people and much forest, fish, and game, no restrictions seemed necessary. Now, when we have 8,000,000 people in the State, with a rapidly decreasing forest and less fish and game, we must have more restrictive laws.

The necessity for the law and its enforcement and the protection of our forests is better understood when it is remembered that the game birds, fur-bearing animals, and the game animals are worth annually more than \$750,000, and that all this great value in animal product may be destroyed by nonobservance of the law or by loss of our forests, or both.

The necessity for the law and its enforcement is yet better understood when it is remembered that the shellfish product of this State twelve years ago amounted to about \$1,000,000 annually, and now it is worth \$10,000,000, having grown to this enormous amount under the liberal policy of the State, its fostering care, and the use of State lands.

The total of these products annually which come from our own State amounts to \$40,750,000.



And then, finally, the necessity for the law, for its enforcement, the expenditure of \$200,000 in doing all of this work, is thoroughly understood when it is remembered that there are 41,000,000,000 feet of lumber, board measure, in all this State on public and private lands, farm lots and all, and that last year there was cut from these woodlands 1,500,000,000 feet, board measure; that is 41,000,000,000 feet in all, but a loss of 1,500,000,000 feet each year.

With all these facts apparent, the reasons are plain why the work is necessary and that the amount expended might well be doubled or trebled to good advantage, and the cost would then be small compared with results and benefits obtained.

Then when it is remembered that the State owns 1,500,000 acres of woodland, which in the calculation must be deducted, and that at the rate of annual cut it will take only twenty-two years to cut it all, the necessity of our laws for forest preservation, for reforestation, and for acquiring more land passes all argument and stands uncontradicted.

To go a step further and consider the water supply of the State brings us to a subject of great importance, but too little understood.

Quite largely the total water supply of our State depends on the existence of its forests. It is true, without doubt, that, utilized to the uttermost, the waters of our State are worth more to our people than the coal mines of Pennsylvania are to Pennsylvania. If fully utilized they would furnish power to generate electricity, to turn the wheels in every manufacturing plant in the State, to light every plant, every house, every car. In addition, they would furnish electricity to run every car of all kinds in the State and cook all our food. All this wonderful power would be much injured and practically destroyed were we to allow all the forests to be cut from those two great upland plateaus—the Catskills and the beautiful Adirondacks.

A country without forests and without water is like a house without a roof, uninhabitable. Without forests, especially in a country like the State of New York, we can have but little water. We hear much these days about storage reservoirs. Before our woodlands were so badly cut, hacked, and scarred we did not need large storage dams. God, in His wonderful plan in creating the world and providing it with forests, planned for, and nature built, a reservoir never surpassed in usefulness by those built by man.

A study of this natural reservoir proves the importance and imperative necessity of preserving our forests. Let us examine it. The trees are part of it; the leaves on the trees are part of it; the twigs, old logs, limbs, and fallen leaves are a part of it. All of these catch, delay, and hold back the rain drops as they fall. (A reservoir merely catches and holds back the water.) If you will observe the conditions of the forest floor you will notice that between the trees there are little basins in the ground caused by the roots of the trees holding up the soil. These basins catch and hold the rain. Then underneath it all, formed from decaying leaves, twigs, limbs, and logs for a thousand years, is a black mold called humus. This humus has greater power to take up and hold moisture than any other known vegetable or animal matter. The humus is the principal component part of God's reservoir. Then the leaves, limbs, trees, the dead and decaying debris upon the ground, the little hollows or basins between the trees, and this humus are all parts of this perfect reservoir, built on nature's plan, detaining, holding, and keeping back the water, allowing it to soak into the ground to feed the little springs, thence the creeks, and keep the water flowing slowly from the hills all the year round.

On the other hand, when the forest is cut away the basins are broken down, all obstructions to the flow of water are removed, the humus is destroyed, and nature's reservoir is swept away, allowing the water to run quickly into the large streams, causing destructive floods. Many times great damage and sometimes unhealthful conditions follow. When the storm is over, the flood subsides, the water is soon gone, and dry creek beds appear.

Nearly every person can remember some stream close to his boyhood home, covered and protected by beautiful trees, its water supporting fish life, and running nearly full banks all the summer long. Since then the forests on the watershed have been removed, and now when he visits his old home the well-remembered swimming pool is dry, the trout brook is a dry creek bed, and the forests, which kept the cool water constantly running from the old hills, are a thing of the past. These evidences are to be seen on every hand all over the State.

When the Mohawk Valley was covered by a deep, dark forest, a great poet sang about the mighty Mohawk which he saw "run from early morn to set of sun." Could the poet have lived and seen the Mohawk last August, a rivulet, with ugly mud bars sticking out all along its winding course where the majestic river once flowed, he would at least have wondered why he ever wrote the song.

Last August the upper Hudson had no more than two inches of water where once it flowed deep and strong the year round. The water last August in Lakes George and Champlain was a foot and a half lower than ever before. Why this condition? Why reservoir agitation? The reason is plain: The old hills are uncovered; the valleys are bereft of their protecting forests; God's reservoir under the trees has been destroyed. Therefore, without forests we can not have water, except in flood time. Without forests there is no home or breeding place for birds or game animals; without cool and constantly supplied water we can have no fresh-water fish life, and much of that valuable product must be destroyed. Without permanent forests we can not have lumber.

Hence we must preserve and keep our forests. How shall it be done? There are only two methods. Both must be used. The State must acquire at least a million acres more in the Adirondacks and the Catskills, and then we must plant forests. Everyone who has nontillable land must plant trees. The State must help by furnishing trees at cost, or free to all who will plant. Why not? We are furnishing a hundred thousand dollars' worth of fish free each year to stock streams and lakes and the shore waters of the sea. Why not free trees? What are we going to do in a few years when we have no timber to cut? We must have lumber for the thousand purposes for which wood is used. The demand is constantly increasing. It increases faster in proportion than the population increases. There will always be a demand for lumber. The supply is decreasing even more rapidly than the demand for lumber increases. The situation is the same in every State in the Union, as well as in Canada. The forests are being removed with great rapidity. What are newspaper publishers to do for paper? For the newspapers there are required every year 2,000,000,000 feet of timber, board measure; 40,000,000,000 feet, board measure, are consumed annually in the United States. It is not being replenished. We must plant trees now if we are to have timber for the future. There is no class who use wood in any form that should show greater interest in this subject and do more for reforestation and the protection of the forests than the newspaper men. It would not only be profitable for them, but a benefaction to all their readers if they would constantly

and consistently urge the planting of trees upon all denuded nonagricultural land. There is no business that will be affected quicker or more severely by a shortage in wood supply than the newspaper business.

There is probably no State in the Union where it is more important to keep the uplands covered with forests than in our own State.

You will remember that there are not more than four rivers of importance in the State, which have their source in the State, that do not rise in the Adirondack and Catskill regions. Therefore these particular sections of the State should always be covered with a good forest.

While we are trying to preserve our woodlands, and thereby the water of the State which they protect, we must not forget that quantity of water alone is not all that is required in this respect. The water should be pure. Polluted and impure water is a constant menace to the health of the people and all animal life that drinks it. There are in the State of New York 6,000 manufacturing plants of every kind and description, all pouring the refuse, much of it poisonous and dangerous to health, into the streams and ponds and lakes near which the establishments are located. The sewage from a thousand cities and villages, and the refuse of all kinds coming from these places, is run into and thrown into the creeks, rivers, ponds, and lakes of the State, polluting and defiling the water, making it unfit for domestic purposes.

It is almost criminal negligence on the part of all persons having the power to in any way better the present condition not to move in the direction of purification of the water supply of the State. It is a subject worthy of the consideration of this legislature and of all the people. Under the law, this department has only to consider it from the point of preservation of fish life, and even for that purpose the law should be amended by at least striking out the last two lines of the section of the law dealing with this subject.

Then, too, we must have forests because they regulate the temperature, affect rainfall, and protect from winds. In these respects the value of the forest to agricultural lands is very apparent and important. Forests are very important regulators and equalizers of the temperature. Slight observation will convince a person who will take the pains to examine this question that large forests, or a large number of small forests, to a considerable degree lower the temperature in the heated term and raise it in winter. If you will test the temperature of a tree in the forest when the thermometer anywhere in the vicinity of the tree registers 95° in July, and the test be applied to the tree 3 feet from the ground, you will find the temperature of the tree body to be at least 5° lower than that of the temperature about it. The reason for it is plain.

The tree in a way has a circulation like that in a human body. The tree gathers its sustenance from the cool ground, draws the moisture into the body of the tree, it circulates by capillary attraction through its whole length to its branches, and is evaporated largely from the under side of the leaves. The tree constantly throws off moisture as well as large quantities of oxygen. This circulation lowers the temperature of the body of the tree. When thousands of trees stand close together upon a tract of land it must decrease the temperature of the air not only in close proximity to the forest, but far removed therefrom.

Then, too, the thick covering which the leaves in summer afford to the ground, scarcely allowing the sunlight to penetrate to the forest floor, prevents rapid evaporation, excludes the heat, and in that way very materially lowers the temperature in and about the forest. The moisture being retained in the ground more steadily and longer helps to keep the ground cool and to cool the air that circulates above. This is undoubtedly largely the cause of much lower temperature in the Adirondacks than we have in the city of New York, or the cities and places in the middle, southern, and western part of the State. If any one imagines that the reason for a 25° lower temperature on the average at Lake Placid in summer is due to the fact that it is 100 or even 200 miles north of a given point in the State, and that alone is the reason, they are very much mistaken. If they imagine that it is because it is on a little higher altitude, they are also mistaken. This is illustrated in many ways.

In the section of the State in which I live, the Allegheny Valley in the southwestern part, the altitude is nearly if not quite as high as the general altitude of the Adirondacks. Lake Placid is not more than 200 miles north of that point. The altitudes are the same, yet in July on the average there is 25° difference in temperature. It therefore must be conceded that it can not be the altitude. It also must be conceded that it is not because of the distance farther north. Then it must be chargeable to the forests which cover such a large portion of the Adirondack country.

Many of you have observed in proof of this fact the conditions in winter. You undoubtedly have crossed an open field on a still day in winter, when the temperature was at zero or below, and you found much trouble to keep the extremities of your body warm. In a little time you entered a large woods, and before you had walked a great distance you were warm and comfortable. No wind stirring inside or outside of the forest; nothing to affect it except the great woods themselves. Whether you ever thought of it or not, if you had been prepared to have tested the temperature of the bodies of the trees in winter just above the snow line you would have found that they were from 3 to 5 degrees warmer than the atmosphere about them. In summer the ground beneath the surface is cooler than the atmosphere above it. In winter it is very much warmer than the atmosphere above it.

Therefore it is plain that forests are regulators of temperature. Then, too, they sensibly affect the rainfall of a locality. Moisture is being thrown off constantly through the leaves; the air about the woods is much cooler than far away from them; the higher elevations loom up cool in the atmosphere. The hot winds charged with moisture are blown across these cool ridges; the moisture is condensed as it comes in contact with them and is precipitated in rain, which falls upon the earth to bless it and all of its occupants.

The great importance of the forest to agricultural lands may be proven in many ways. One has only to read the history of China and France to understand it. Many hundred thousand acres of good agricultural lands in China have been entirely destroyed by cutting off all the timber and the drying up of the water.

More than three hundred years ago France, in an evil day, permitted that which we are now permitting, to wit, the cutting of all its trees, which left its hillsides and mountain tops uncovered. The agricultural lands were much injured; the water supply much reduced. It had no forest. The hillsides were eroded. The soil was washed away. Then a splendid man, realizing the enormity of the evil that had come to his country, started out on a campaign of education over France, urging the people to plant trees. Since then the French people have expended more than \$200,000,000 in trying to reforest their waste land, and they have more work yet to do.

The German nation, having good common sense and being a farseeing, practical people, have been restoring and caring for their forests for a thousand years. They have planted as they cut, perpetuating their forests. The Black Forest of Germany is known and famed all over the world. Shall we, the supposed most intelligent and patriotic people of the world, shall we longer stand supinely by and heed not the lesson taught us by the experience of other nations? Shall we see our rivers dry up, our forest land denuded, our natural health resorts swept away, our fish and game destroyed and enter no protest, or raise not a hand to prevent this evil from falling upon us? If there is doubt in the mind of any that agricultural lands may be injured by the loss of water and trees, consider for a moment the condition of the arid plains of the West. There are millions of acres, worthless now, that would blossom as a rose if water should be turned onto them and trees were planted. Water and trees must exist in every country that is decent to live in.

We should remember that scientific forestry is not new, except with us. For a thousand years the city of Zurich in Switzerland has owned a planted forest. It has been carefully guarded, planted, and cut. For six hundred years it has produced a large amount of timber yearly, and to-day it is in better condition than ever before.

One-fourth of Germany is a forest; the value of the German forests is at least \$1,500,000,000. Many cities and villages in Germany own their own forests, from which they get all the wood used by the people of the village, and enough more to pay all their taxes. In Germany when a tree is cut two or more must be planted in its place. That should be the practice in this country.

The cultivated forests of Germany are not at all like our natural forests. The best Adirondack forest never produced more than 20,000 board feet per acre. In a cultivated forest the trees are planted five feet apart that they may grow tall and shed their lower branches. Such a forest must be thinned at the end of twenty years and each succeeding ten years until the trees are fifty years old. About 40,000 feet, board measure, may be taken out in four thinnings, and at the end of fifty years, large, even, tall, cylindrical trees that will produce from 40,000 to 50,000 feet of lumber will be left standing on an acre of ground.

An acre of waste land worth not more than \$5, planted with 1,700 pine or spruce seedlings, at an expense of \$8.65 per acre, making a total value of \$13.65, would yield a product by the necessary thinnings of \$1,000. When the remaining trees were fifty years old they would yield on the stump a product worth at least \$1,000. At that time there would be at least 40,000 feet left standing on the acre, making a total product in fifty years worth \$2,000 on an investment of \$13.65.

To obtain the exact result one would need to compute simple interest on \$13.65 for fifty years and add thereto, and on the value of the product obtained by first thinning, valued at \$50, for thirty years; on the value of the product of second thinning, valued at \$150, for twenty years; on the value of the product of third thinning, valued at \$300, for ten years, amounting in all to \$350. This interest, with the three several amounts, together with the value of the product of last thinning at fifty years, \$500, and the value of the remaining timber left on the acre, would amount to \$2,350, total value in fifty years.

The interest on the \$13.65 would amount to about \$40.95, which added to the \$13.65 would make a total of \$54.60. The several amounts received from the forest, with interest thereon, would amount to about \$2,350. Conceding that the acre of land used for pasture would be worth something each year if devoted to that purpose, still the difference between its value for that purpose and its value for forestry purposes would be very great.

Italy is reforesting her much-eroded hillsides, too long neglected, at a cost of \$20 per acre. France spent \$50,000,000 on her harbors, and then expended \$20,000,000 in cleaning out the silt that, because of denudation of the uplands, had been washed from them into the harbors. It costs France, because of conditions there, to wit, much erosion of the lands, \$34 per acre to reforest. Yet it must be done.

We can reforest at the present time much of our denuded lands in the Adirondacks for about \$8.65 per acre.

Canada has begun reforestation. Ohio furnishes seedling trees to her citizens free, and plants them, the owner paying for transportation and cost of labor only. Connecticut furnishes trees at cost. Kansas furnishes trees free.

The conifer trees will not restore themselves in any considerable quantity. It is true that the broad-leaved trees will restore themselves. They start from the seed, and also many sprouts come up. You cut down a maple, beech, or birch tree and many may sprout from the roots; but the conifers are only produced from the seed. The natural reproduction is very slow indeed. If they are to be had in any considerable quantity they must be planted.

Twenty-two years ago, when the first law to establish this department was put on our statute books, there was not a known educated forester or a school of forestry in the United States. Now there are fourteen or more schools and many educated, skilled foresters.

Many States have a forestry association. There are three national forestry associations. There are many learned men in these societies who are devoting their time to the study of our woodlands. Private individuals and business corporations, railroad companies, manufacturers, and others are commencing to plant trees and protect their forests with care.

It would be a wise policy if the State would raise broad-leaf trees for shade trees, and plant them at State expense on both sides of all roads built under the good-roads system. Such roads need shade and moisture. If they are not kept moist the friction of passing vehicles pulverizes the surface of the roadway into dust, which is blown by the winds into the fields. If kept moist the surface will recement itself and the roads last much longer.

Since I commenced discussing this important subject in public meetings two years ago, many lumber firms have concluded not to cut trees below 10 inches in diameter, and are giving much more attention to their woodlands for future use. The people respond and become interested as soon as the facts are earnestly presented, and I have well-grounded hopes that our forests will have better and more intelligent care in the future.

So far in the history of this work of forest preservation in the State of New York, which, as surprising as it may seem, only dates back to 1885, the work has been directed along the line of acquiring land in the Adirondack and Catskill region, and later on to the planting of some of the waste places with trees in the Adirondack Park. Very little or no consideration has been given by the people at large to the general necessity of keeping the hilltops and hillsides, where the land is less desirable for agricultural purposes, covered with a sufficient forest growth to furnish the necessary moisture that the agricultural lands of the State must have to be in the best, continuous productive condition.

Very little if any consideration has been given to the great importance of shelter belts against prevailing winds that at times so seriously affect the orchards on the farms of the State. Very little if any attention has been given to the gradually decreasing water supply that is so necessary for the people of the State, as well as for stock of all kinds, and which keeps the pastures and meadows green.

Very little, if any, attention has been given to the rapidly decreasing supply of timber on farm lots, and, without apparent thought of the havoc and disaster being wrought, the farmers of the State have been and are allowing their wood lots to be devastated, swept away, and destroyed by men with small sawmills, who move their mills about from place to place, seeking timber for the humming saw to devour, regardless of its service to the farmer, its service to the people generally as a regulator of the temperature, effect upon the annual rainfall, especially during those months of the dry season when water for the meadows and the pastures is so much needed.

The time has come when all of the agriculturists of the State should thoroughly understand that the value of their agricultural lands depends to a large extent upon a reasonable balance between forest-covered land and the tillable land. To make it perfectly plain in the shortest space possible, take this illustration:

If to-night, through some destructive power in nature, every tree and shrub in the State of New York should be swept from the face of the State, what would be the condition to-morrow? It requires no great stretch of the imagination to instantly comprehend the dire result. The home and breeding place of every bird would be destroyed. The home and breeding place of every game animal would be destroyed. Not only the source of every stream, but the whole stream bed, would be uncovered of its forest growth. The humus underneath the trees as it exists to-day would be destroyed. Every obstruction and hindrance to the rapid flow of the water as it falls from the clouds would be swept away. In flood time there would be raging, destructive torrents, strewing wreckage of destroyed property, bridges, and buildings along the flats. The water would soon recede and run away, and the springs, rivulets, creeks, and rivers would be dry. Property throughout the State would be decreased in value to-morrow morning 50 per cent. The meadows and pastures would dry out next season at the time when, conditions being properly balanced, they should afford splendid hay crops and fine pastures. The total amount of milk, cream, butter, and cheese produced in the State would shrink 50 per cent. In fact, the injury would be so great to the State that the people of this splendid Commonwealth would be appalled, and all because of the destruction of the woodlands of the State.

Can it be said that this is too vivid a picture of that which would follow? Is it not true, and would it not as surely happen, as it is that, by the revolution of the earth, if it is a clear day we will see the sun to-morrow? And yet this very thing is more than gradually transpiring every day. As heretofore suggested, a country without trees and without water is like a house without a roof—valueless and untenable. It is as necessary for the farmers to preserve and maintain an even balance between agricultural lands and woodlands as it is to supply, keep, and preserve an even balance between the number of head of animals upon a farm and the acreage upon which they must subsist.

These things being true, then the question of the preservation of forests affects not only the Adirondacks and Catskills, where the larger tracts of forest land yet remain, but is important to the whole State of New York and the people of the State. The department is trying with great earnestness and incessantly to do all that lies in its power to protect, to reforest, and to impress upon every person in the State the great danger that now confronts us in this respect. But the Department alone can not do all that should be done. It must have the hearty cooperation and intelligent assistance of every member of the legislature and of all the people who have a desire for the prosperity and progress of the people of the State. It must have the help of all persons who are patriotic and are proud of the State in which they live. It must have the help of all persons who would not see this splendid Commonwealth lose its leading commercial position among the States of the Union.

We are to-day the foremost in this respect among the States. The State of New York has done more in planting trees and in progress along each line of this necessary work than any other State. In fact, it has planted nearly as many trees upon waste land as all of the States and the National Government combined. It is the pioneer in the work. It ought to lead in this as in many other things, because it is the greatest State in the Union. It has the greatest population; it has the most wealth; it has equal intelligence; its people are a proud and patriotic people. With all we have done we have, in fact, made but a small commencement. All of the work in this respect done in the United States thus far has been largely experimental. The time has now come when real work, based upon a given plan to be continued and followed for years to come, should be commenced. Instead of planting 500,000 trees a year, the State should plant millions of trees, and all of the people who have land adapted to tree raising should immediately commence the planting of trees thereon.

I have believed, and now believe, that when this whole subject is brought to their attention that they will rise to the necessities of the occasion, and that we will make such progress in the immediate future in preserving and planting trees as the occasion demands; and that in so doing, the State of New York will be a beacon light for other States to observe and follow.

We have no time to waste. It takes from eighty to one hundred years to grow a splendid, great, beautiful forest tree. A forest crop is not like the farmer's crop. One is gathered in a season at the end of a few months' or a year's growth, and the other is only gathered partially after twenty years and partially every succeeding ten years, and finally at the end of eighty or one hundred years. It takes time to rear a forest of commercial value. Already too much time has been thrown away. The work must begin generally all over the State now; and this legislature must make the first start. It must make the commencement by providing all the money that is necessary to establish immediately tree nurseries in proper places in which to raise seedling trees for distribution to all who will plant them under proper conditions and the supervision of the department. These should be distributed for actual cost, or better yet, if it may be done, free of cost.

It would seem to be sound policy and in aid of reforestation of denuded lands by the people to have the provision of the law providing for the enhanced value of land caused by the planting of trees relieved from increased taxation upon the land dedicated to tree raising.

It would be of vast importance if the legislature of the State, composed of the representatives of 8,000,000 people, would, without stopping for small things or minor details of some purely local matter, revise and enact a plain, general, concise, workable statute under which,



without necessary trouble, the department of forest, fish, and game may enforce the law in relation to all the subject-matter under the charge of that department. To spend time over the question as to whether a rabbit shall be killed as late as the 15th of December or a partridge shall be shot earlier than the 1st day of October, or whether two or five tip-ups may be used in fishing through the ice in the winter is simply a waste of time. The larger things and the more important things ought to be considered. Those who have given it the greatest study, separating it from all local influences, with an idea of the general welfare of the State and success of the work, should be consulted in such revision.

The body of the law is so great, the State is so large, the conditions so varied, that to give it such examination as it is entitled to requires years of experience and careful study. But however done, it should be general, simple, and positive. It should comprehend, without question, the enactment of a hunting-license law, both for residents and nonresidents, because in no other way can the nonresident license be collected. In no other way can we protect the millions of birds that are the protectors of the forests, the trees, and the farms, and which should be protected from being slaughtered by a hundred thousand nonresidents of the State, who have little or no respect for those things. To preserve bird life to the fullest extent is very important. We are told that if bird life should be destroyed our forests would perish from attacks of hordes of insects.

With such a law all these things could be accomplished. It would afford a sufficient revenue to double the force of protectors, which is much needed, because we are trying to police the whole State of New York, occupied by 8,000,000 of people, with 75 men, when the city of Albany alone requires probably 180 policemen to enforce laws that are more generally obeyed than the forest, fish, and game laws. It seems a most ridiculous thing to think of a police force of 75 men enforcing these laws as they should be enforced among 8,000,000 of people, and in this great stretch of territory consisting of woods, farms, streams, lakes, and ponds innumerable.

Then, too, a revision should comprehend a just revision of the shell-fish law, in order that the State may be fairly treated by those who occupy State lands for shellfish culture and that the whole thing may be regulated to the benefit not only of those occupying the lands, but the general public. To illustrate the condition, the State of Rhode Island receives \$50,000 a year from its oyster lands; Connecticut, \$11,266; Virginia, \$99,480, and the State of New York received this year only \$4,836.18. These figures illustrate the necessity of a revision of this law. But in this work selfishness and self-interest should be laid aside. It is a great work, worthy of the best efforts of the best men in this State.

I have been plain, positive, and to the point about all of these matters. This is a subject that needs plain, positive, and direct treatment.

So far we have considered the subject from a commercial or money standpoint. There are considerations even exceeding these. From the health standpoint alone, all our care and money expended is not too much.

The Catskill Mountains, some of them towering more than 4,000 feet above sea level, are so close to our great metropolitan city of 4,000,000 people that from the highest peaks one may see old ocean where it laves the shore of Long Island. This mountain land overlooking the historic Hudson, known the world over through the writing of the father of American literature, Washington Irving, reminding us of many things that transpired during the Colonial and Revolutionary periods of our history, full of legend, poetry, and romance, is to-day the Mecca of many travelers who come from far across the sea.

These mountains form the great divide between the Hudson and the Susquehanna, Schoharie, and Delaware valleys. A few hours only are required to reach the Catskill country from New York City. There are lakes like Mohonk—"Gems hem'd round by rocks ancient as the sun"—deep forests hiding trout brooks, the paradise of anglers, valleys as fair as the vale of Cashmere, mountain peaks that frown as darkly as when Rip Van Winkle slept his long sleep. It is a health resort and playground worthy of any people, more easily accessible than any other.

There are 50,000 persons in the State of New York suffering from tuberculosis. It has been demonstrated that 50 per cent of these in the incipient stage may be cured by going to the Adirondacks and abiding there for a considerable time. There is found nature's great sanitarium. The balsam-laden air, sweeping across 150 miles of dense woodland, cooled by the great mountain peaks, filled with oxygen thrown off by the forest foliage, produces curative qualities for this dreaded disease beyond the power of man's ingenuity to produce in any other way.

If we cast aside the commercial feature of it, perfected, reforested, and protected, the Adirondack and Catskill forests, kept for a health resort and a playground only, will reward us for all of our labor and money expended.

All things considered, the Adirondack forest is the finest park ground and forest preserve in the known world. Its close proximity to great centers of population, its exact right altitude, its fifty tree-crowned peaks, its thousand lakes and ponds, its hundred rivers, its beautiful valleys, grottoes, gorges, and dells make it at once the most beautiful, restful, and picturesque country in the world. There are fish to catch, deer to hunt, beaver, elk, and moose to see, canoe trips to take, beautiful places to camp, and the song of the hermit thrush to hear.

All of the 8,000,000 people in the State of New York could reach this beautiful country from their homes in twelve hours if they so desired; 8,000,000 more can reach it in an equal length of time. It is a magnificent heritage, created by the Maker of the universe, left us by our forefathers. We should preserve it, restore it, and protect it for ourselves and future generations.

J. S. WHIPPLE,  
Forest, Fish, and Game Commissioner, New York State.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, to follow the one I have just offered.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert, after line 24, on page 25:

"Provided, That no part of this appropriation shall be paid or used for the purpose of paying for in whole or in part the preparation of any newspaper or magazine articles."

Mr. MADDEN. Mr. Chairman, would that amendment cover advertising?

Mr. MONDELL. That would not include advertising.

Mr. MADDEN. Would it not be well to have it say that it shall not include advertising? They might want to advertise something.

Mr. MONDELL. It has been suggested that the amendment should exclude advertising. I do not believe that by any possible construction it could prevent the payment for necessary advertising expenses.

Mr. MADDEN. I think the amendment ought to be explicit on that subject, and I would not object to it if it was.

Mr. MONDELL. I ask that the amendment be reported again. I think it clearly does not cover that.

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. POLLARD. Mr. Chairman, I make a point of order against that amendment. My point of order is that it is a limitation on the authority of the Secretary of Agriculture to diffuse the information gathered in that great Department. Under the general law creating the Department of Agriculture the Secretary is authorized and directed to accumulate and diffuse information, and this is certainly a limitation on his authority and therefore new legislation.

Mr. MONDELL. Mr. Chairman, I do not believe that the amendment is subject to a point of order, and I think it is an exceedingly important amendment. It is popularly believed that a considerable portion of this appropriation is used for the purpose of paying in whole or in part for paper and magazine articles that appear under the names of contributors who contribute to such newspapers or magazines.

I call the attention of the chairman of the committee to the fact that in an itemized statement of the purposes for which it is intended to use the appropriation there is a provision for thirty collaborators, at \$300 each; in other words, I assume that if this amendment is not adopted the Bureau would consider itself authorized to pay Tom, Dick, and Harry \$300 each for the preparation of newspaper and magazine articles pucng its work, telling how it had reinvented the ancient process of creosoting ties, informing the world of its wonderful achievements in every department of science and industry, and particularly belaboring every man who has ever dared at any time to raise his voice anywhere, and particularly on the floor of Congress, against its policies.

Now, my purpose is, so far as possible, to prevent that kind of use of the people's money. I believe in the bureaus advertising their work widely. I am in favor of proper publicity in every important bureau of the Government. I know of several bureaus whose work of disseminating information through the newspapers and otherwise is most helpful. I approve of a proper bureau of publicity to give the public knowledge of what the Department is doing. But if I am correctly informed this Bureau has been doing a work beyond that. It has, directly and indirectly, been encouraging and paying for the preparation of newspaper and magazine articles placing an exaggerated value on its work, and particularly in encouraging people who see fit to impugn the motives or criticize Members of Congress and Senators and other men in public life who do not agree with some of the policies and some of the acts of the Bureau.

Mr. SCOTT. Mr. Chairman, has the point of order been withdrawn?

The CHAIRMAN. The Chair overrules the point of order.

Mr. SCOTT. Mr. Chairman, I desire to be heard on the amendment. I can not answer the argument of the gentleman from Wyoming in any better way than to read a letter from the Chief of the Bureau, Mr. Pinchot. I had heard of complaints against the Bureau touching this matter, and addressed a note to Mr. Pinchot asking him to advise me as to the facts, and I wish to read what he said in reply:

UNITED STATES DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE,  
Washington, February 14, 1908.

HON. CHARLES F. SCOTT,  
Chairman Committee on Agriculture,  
House of Representatives.

DEAR MR. SCOTT: I am very glad to make the statement which you asked concerning the educational work which the Forest Service conducts through the newspapers.

This work was undertaken because the most important immediate task which this Service has before it is to inform the American people of the objects and methods of forestry and because this can not be accomplished through the distribution of official publications alone.

The Forest Service is doing all it can to make its publications of wide use. It has of late put most of its printed matter into the form of brief pamphlets, cheaply gotten up and written in a nontechnical style. The purpose aimed at has been to make these pamphlets as succinct, as simple, and as effective for the ordinary reader as possible, and to print in large numbers at the lowest possible cost per copy. During the last fiscal year the number of single copies of Forest Service publications printed was 2,122,000, and the average cost per copy (including two publications which for special reasons required binding) was \$0.0145. The Forest Service has now on its mailing list over 700,000

names, so classified that each publication can be sent to the class of people and the region especially concerned, without sending to the entire list; but the question of forestry is far broader than this list. Forestry must be made household knowledge, if it is to be applied soon enough and generally enough to preserve what forests we have left.

Ten years ago there was no general understanding in the United States of the relation of forestry to the public welfare, or of the fact that forests could be used profitably and at the same time be preserved. Enough has been done to awaken interest. But until we have developed that interest into action our part will not be accomplished.

The great mass of the American people do not yet understand how to make the best use of the forest. It is not a question of discovering facts and making them known to specialists, but of working into the everyday thought and everyday practice of great masses of men what the Forester already knows. It is necessary to convert scientific information into common knowledge. This means that not tens or hundreds of thousands, but millions of citizens need to be reached. The periodical press of the country affords the best means of accomplishing this, since everyone who reads at all reads newspapers.

The studies of the Forest Service and its administrative activities are legitimate subjects of news interest, and recognition of this fact brought newspaper men to the Service in search of matter which they had a right to ask for, before any means existed of seeing that they got it. The present methods of the Service have both advanced the ends for which it exists and benefited the representatives of the press. The Sunday editor of one important paper wrote one of the Forest Service editors last September:

"I wish there was an editor of your kind in connection with every Department at Washington. There is so much there in various Departments that we are always wanting and always trying to get, and which seems very difficult to secure. With such warehouses of information the departments seem loth to give any of it up. I frequently send a man down for articles on a dozen or so topics. If he spends a week there, and brings back material for three of these, he is doing very well. All because of the fact that information is so difficult to obtain from so many who should, it seems to me, be the gladdest to give it."

To sum up, the Forest Service has spent an increasing amount each year upon its publications, which reached \$40,000 last year, without getting adequate results. We can not get these results through the distribution of our publications without vast and prohibitive expense. Consequently we are making the fullest possible legitimate use of the opportunity offered by the press.

To get information into the newspapers it is necessary to put it into newspaper form. The newspaper does not want essays, treatises, and reports, but news. Government publications too often fall practically dead from the press, not because they do not contain valuable information, but because this information is not in available form for the average reader. By employing men familiar with the peculiar requirements of newspaper work and familiar also with the work of this Service it becomes possible to carry on the work of popular education on a far more extensive scale and at a far lower cost than in any other way.

An example of what was done along this line in the last three months of 1907 will serve to make this point clearer. The circulation of matter prepared for the newspapers by the Forest Service was calculated for each of these months. This was done by adding together the circulation of all items known to have been used during the month. The circulation of each item was computed by taking every clipping received by the Forest Service, of matter which it had prepared, and looking up in Rowell's or Ayer's newspaper directory the circulation of the paper from which the clipping was taken. This method of calculation showed a total circulation for each of the three months which averaged over 9,000,000. The actual circulation secured was certainly much larger than this, since in many cases articles are used without knowledge of the fact reaching the Service. To print 9,000,000 copies of these articles would have cost the Government about \$5,400, and envelopes and addressing would have cost \$42,000. In addition, there would have been the cost to the Government of putting the printed articles into the envelopes (probably not less than \$9,000) and of handling the matter in the mails.

If the Forest Service attempted to do this work directly, it would have to build up and maintain a mailing list of unheard-of magnitude. Its present mailing list of 700,000 names represents a cost for cards, indexing, clerical labor, etc., of \$7,000. A mailing list of 9,000,000 names would mean an investment in the apparatus itself of \$90,000, besides the cost of operating. Circulation through the newspapers, however, means the equivalent of a mailing list far greater than this, for different kinds of articles are made use of by different classes of newspapers, and in different regions, so that the circulation of one month is by no means identical with that likely to be secured the following. Practically the mailing lists available for the use of the Service, by putting its information in a form acceptable to newspapers, is the entire newspaper circulation of the United States.

The work of putting this matter into the special form necessary is assigned to two men, with some assistance from a third, but engages only a part of their time.

The method employed is to require the whole working force of the Service to keep the section of information acquainted with what is going on in the various lines of work. This is done promptly through memoranda, reference of correspondence, and other papers, and word of mouth, which makes it possible for the section of information to write up whatever has news value at the time when it is news. Since the members of this section are fully informed of the purpose and methods of our work, the matter is so written up as to carry the maximum of illuminating information. I also see, whether I am in Washington or in the field, a copy of every statement given out.

In my annual report for the last fiscal year the work of the section of information for the current year was outlined as follows:

"Special attention will be given to the popularization of technical information concerning forests, the requirements and life activities of forest trees, and the practice of forestry. Economical methods of utilizing wood and other forest products will also be presented. But above all, the relation between the public welfare and the perpetuation of the forests, the loss of which would mean an impairment of the nation's wealth, will be illumined whenever possible."

I recognize that this publicity work exposes the Service to danger of criticism from those who do not understand its purpose, and that if not scrupulously confined to its legitimate field of education it might easily become an altogether improper form of activity. Whether or not the Service is in any degree running a press agency to put itself in the most favorable light before the public, or to advocate special measures which it is the duty of Congress to pass upon, your personal examination already made of the files of matter given out in December will enable you to judge. The files of matter given out are open to

examination by anyone at all times. Whatever is done is done publicly, and I shall be most glad to have brought to my attention any published matter suspected to have been given out or in any way inspired by the Forest Service which transgresses the limits of propriety or the strictly legitimate field of the Service.

In point of fact, however, any press bureau activity would certainly defeat itself. It could not hope to escape discovery by the corps of newspaper correspondents in Washington. The arts of the press agent are transparent to any newspaper man. Attempts at self-laudation by the Forest Service would simply be cut out of matter transmitted by the correspondent, so that the result sought would be lost, while a very different result would be obtained—the discovery by the correspondents of a transgression of official propriety which would suffice in their hands to give the Service quite enough of public notice for the time being.

Far from seeking to advertise the Forest Service, the effort has been made in preparing this news matter to avoid, wherever possible, mentioning the name of the Service. This is, indeed, important to the success of the work. The subject of forestry is one in which the public is genuinely interested and concerning which it will read much, but any considerable volume of matter about the Forest Service would mean the rejection of most of it by the newspaper correspondent and editor, who want variety in their papers.

The object of this work is to give out facts. The matter furnished can be had by any newspaper man, no matter what his attitude or that of his paper toward the Forest Service. When he has it, he can use it in whatever way he pleases. If he desires further facts, every facility is given him to find out what he wants to know. If he believes that the Forest Service deserves criticism, he is perfectly free to make it. The Service could neither stifle criticism nor palm off ready-made views, even were there any desire to do so. Everything that is given out or sent out goes from the office bearing indication of its source. Whatever is done is done in the full light of day, and any improper activity could only injure the Service.

Very sincerely, yours,

GIFFORD PINCHOT, Forester.

I take the liberty of inclosing three extra copies.

Mr. LEAKE. Mr. Chairman, I would like to ask the gentleman how these articles appear in the newspapers? Do they bear the stamp of the Department?

Mr. SCOTT. I have been having all the articles referred to sent to my office every day for the last month, and I have selected from among that number a very brief one, which will serve as a sample of all of them, and I will read it because I can read it in a minute. It is as follows:

#### COOPERS FIND SUBSTITUTE WOODS.

The coopers of the United States are probably suffering more at the present time for want of a supply of timber than the men of any other wood-using industry.

This condition is caused largely by the great decrease in the supply of those woods considered necessary for cooperage stock and the lack of knowledge of the merits of such species of wood as might possibly be used as substitutes. A few years ago the cooperage manufacturers of the Pacific coast obtained their supply of timber from the East, using very largely the better cooperage woods, such as white oak and elm. Recently these manufacturers have been using, with reasonable success, various species of wood native to their immediate section. Sitka spruce is now largely used on the Pacific coast for such slack cooperage as flour, sugar, lime, and bottle barrels; tight cooperage, such as vinegar, pickle and cider barrels, butter and cheese cooperage, buckets and pails. Recently wine barrels have been made from Sitka spruce, these being coated inside with a high grade of paraffin. Douglas fir is also used to some extent. Inferior grades of slack cooperage, such as salt and lime barrels, are sometimes made of white fir.

The committee will see that even the name of the Forest Service is not mentioned. In the greater number of articles that I have examined the name of the Service does not appear at all.

Mr. LEAKE. It would seem then that this manufacturing of public opinion, which the President so strenuously condemned in one of his messages, depends for its morality upon whether it is for or against the policies of the President himself, would it not?

Mr. SCOTT. I do not think it can be properly characterized as "manufacturing of public opinion." It is, rather, the dissemination of useful information. The Bureau of Forestry has simply devised this method of creating widespread interest in the subject of forestry and of diffusing information upon the subject by giving news to the people through the newspapers instead of printing bulletins as other bureaus of the Department do.

I do not believe any money is expended by the Bureau in paying for the insertion of any matter in a newspaper or magazine or paying for the preparation of any of this matter, except, as is suggested here, by the employment of two or three men in the office of information within the Bureau itself, and their duty is wholly to prepare articles of interest and value such as I have read.

Mr. BONYNGE. Will the gentleman yield for a question?

Mr. SCOTT. Yes.

Mr. BONYNGE. Who are the persons who are employed to prepare these articles? Are they newspaper men—men working on different newspapers?

Mr. SCOTT. No; they may have been men of newspaper experience, but they are now engaged in no other way except that of preparing this news matter in the Bureau.

Mr. BONYNGE. I am asking for information, because I do not know as to it. I heard the gentleman from Wyoming [Mr. MONDELL] say that the estimate of the Secretary called for thirty collaborators, at \$300 each per annum. I of course



realize that no man is going to work for \$300 per annum, and I assume it must be a man engaged in some other business, and it naturally occurred to me that as this was newspaper work, men engaged in newspaper work would be employed. Is not that the fact?

Mr. SCOTT. I do not think the gentleman from Wyoming meant to give the impression that these thirty collaborators were to be employed in this publicity work. The collaborators estimated for by the Secretary were undoubtedly men located at various State experiment stations and elsewhere, whose collaboration was desired in connection with the scientific or technical work of the Bureau, the matter of testing the strength or lasting qualities of timber, carrying on of investigating work which the Bureau is doing, and so forth. The only work that is done in the line of publicity at all that I know anything about is the work that is done in the office of information in the Bureau, and is done by two or three men. One of them was formerly a resident of my own State, and has been employed in this Bureau—engaged in this publicity work—for several years.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BONYNGE. I ask unanimous consent that his time may be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BONYNGE. Do I understand the chairman of the committee to state that there are two or three men employed by the Bureau, engaged in the office of the Bureau, who devote all of their time to this work?

Mr. SCOTT. They devote all of their time to preparing bulletins and—

Mr. BONYNGE. No; newspaper and magazine articles we are talking about now.

Mr. SCOTT. To preparing bulletins and such items of news as I read a moment ago.

Mr. BONYNGE. And they are regularly employed for that purpose in the Bureau?

Mr. SCOTT. Regularly employed; and if the gentleman will go over to the Department of Agriculture he will find a dozen or more men regularly employed in similar work for the other bureaus.

Mr. BONYNGE. What I want to know is whether or not this work is done by people outside of the Government service or by those only who are employed by the Government and devote their time to the Government?

Mr. SCOTT. So far as my information goes it is done by those who are employed by the Government and are giving their entire time to the Government and have no other connection whatever.

Mr. BONYNGE. When these articles appear in the newspapers or the magazines, do they appear as Government official publications signed by anybody, or as a matter of news?

Mr. SCOTT. They appear absolutely as matters of news. A representative of a newspaper goes to the Bureau of Forestry and asks if there is any news in which the public would be interested, as he has a right to do of that or any other bureau in this Government, and from this office of publicity there will be given out any item in regard to forestry which the publicity office may think may be of interest. It rests then with the newspaper reporter as to whether it is of sufficient interest to print in his publication. It is simply carrying out, in a very much more effective way than is done in any other Department of the Government that I know anything about, the idea that we should disseminate useful information which the people in this Department are accumulating.

Mr. BONYNGE. Mr. Chairman, if the gentleman will permit in the time he has remaining, all I desire to say in answer to what the gentleman has said is this: That if this is official information given out from a Government bureau to take the place of a bulletin or pamphlet, it ought to be issued in the name of the Government official who does issue it, signed by him, appearing in the paper as a Government publication, if you please, and not appear as a matter of news giving public information without knowing who is responsible for the publication. [Applause.]

Mr. SCOTT. Mr. Chairman, I ask for a vote on the amendment.

Mr. MONDELL. I would like to have about three minutes more.

Mr. SCOTT. I move that debate close in eight minutes on this amendment. There are other amendments.

Mr. GAINES of Tennessee. Mr. Chairman, I did not hear much of what was said between the two gentlemen, who had a long colloquy—a kind of family colloquy—over there, and I would like to know from the chairman, the gentleman from Kansas, who is in charge of the bill, whether or not any of

these articles which have been written at the Department of the Interior cover the public land grants that the railroads have wrongfully or otherwise acquired from the Government, covered in part, say, in Senate document 60, and first session, Senate, Sixtieth Congress, No. 279.

Mr. SCOTT. I do not know of any documents which have been issued from the publicity office of the Bureau of Forestry which do not relate directly to the forest interests.

Mr. GAINES of Tennessee. Then, Mr. Chairman, it would seem that this printing that has been going on may have been even wise, but it has omitted a thing that Congress thought to be so important itself as that Congress is about to consider it, directing the Department of Justice—or about to direct—to look into these land grants, and yet all this money has been spent giving “news.”

Well, it may not be exactly news, but since 1866 down to the recent months the railroads and other concerns throughout the United States, and particularly of the West, have been engaged in taking lands wrongfully from the Government. Now, if this news concern had brought before the people these wrongful acts, had brought before Congress these wrongful acts, had brought before the courts out West these wrongful acts, had brought before the grand juries out West these wrongful acts, and done that long ago, instead of sending out pictures of bacteria and birds and beasts and fowls and rivers and various other things that we were getting in the newspapers without paying for it, there might be something really genuinely good in this “news” bureau. I do not know what they have been printing. I have never seen any of this matter; I have not time to go reading the magazines; I do not go to the magazines to get the matter; I go to Joel Grayson or Mr. Sumner of the House document room. I went out there a few moments ago to get some documents or data on this matter, preparing for the future. I did not know what was pending before the committee—got no notice whatever from the committee. I went out and asked him to load me up on these railroad land grants.

He said that the document was down in the Secretary of the Interior's office, but he gave me all he had, which is Senate Document 279, Sixtieth Congress, first session, to which I have just alluded, which is a letter from the President, dated February 17, 1908; one from the Attorney-General of February 14, 1908, and the subject-matter is the Oregon and California railroad land grants. Now, if this has been published from time to time in these little squibs, or paid-for propositions, there might not be so much opposition. I do not know now whether I am opposed to it or not. If it is doing any good or trying to relieve the people of this wrongdoing, and as long as I stay here in Congress, as much trouble as I am giving to some of my friends, I intend, gentlemen, to stick at it until it is dug up and brought before Congress, in the newspapers, or in the committees, or in the House, or wherever I am. I have no personal interest in this on earth. I work day in and day out, eighteen hours every day, and I try to attend to all this public land wrongdoings and good doings I possibly can, and if this publishing concern down in the Bureau has not been publishing these facts, and it seems they have not, then there has been a remissness, or at least a delinquency, which, I hope, if this money is to be appropriated, will not obtain hereafter, and that we will get all the facts about this land-grant question and forestry question.

Mr. MONDELL. Mr. Chairman, my amendment was not intended to prevent the Department giving out in a proper way all proper, useful, and helpful information with regard to its work and with regard to the results of its investigations. I fully appreciate the fact that in the expenditure of large sums of money for the purpose of making investigations and inquiries it is exceedingly important that the people of the country shall have the opportunity to learn the results of those investigations, to know the facts developed by the investigations, and against any dissemination, no matter how widespread or extensive, of facts brought out by investigation or of useful and helpful information, I have certainly no disposition to raise my voice. But, Mr. Chairman, my amendment will not cut it out.

Mr. SCOTT. Would not that cut it all out?

Mr. MONDELL. My amendment could not cut out the dissemination of information by the Bureau under its own name and seal, sending it out officially as emanating from the Bureau. I have not any thought of doing that. I think, however, that all of the information emanating from Government sources should clearly indicate that it emanates from such bureaus, and that whatever effect it shall have in informing the people, in forming public opinion, should be had with the full knowledge on the part of those who receive such information that it comes from and through the Bureau. I understand that the Bureau does not ordinarily indicate that the

information comes from the Bureau, although the very innocuous, harmless, and innocent article which has just been read by the chairman is the first of all the newspaper articles I have seen emanating from the Bureau that did not contain a large puff of its work and accomplishment.

For the first time in this case they seem to have failed to call attention to their work. I desire to put an end to the dissemination of information or misinformation, as it may be, at public expense throughout the country without anything to indicate that it emanates from governmental sources, and particularly do I desire to put an end to a practice that I believe has been somewhat indulged in, to wit, the use of Government money for the purpose of preparing or, at least, suggesting and skeletonizing articles to be published in the newspapers and the magazines of the country reflecting upon public men who see fit to differ with this Bureau. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. MONDELL. Division, Mr. Chairman.

The committee divided, and there were—ayes 51, yeas 27.

So the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I desire to offer another amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment which the Clerk will report.

Mr. MONDELL. The amendment is to follow the amendment just adopted.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Following the amendment just adopted add:

"Provided further, That no part of the money herein appropriated shall be used for the administration of any land in a national forest in a township in which less than 50 per cent of the land is public land and less than one-fourth of such public land is timber."

Mr. SCOTT. Mr. Chairman, I make the point of order against that amendment.

Mr. GAINES of Tennessee. Mr. Chairman—

The CHAIRMAN. What was the point of order?

Mr. SCOTT. The point of order is it changes existing law. And I move, Mr. Chairman, that all debate on this question close in five minutes, with the distinct understanding that at the end of the remarks which are to be made by the gentleman from Wyoming [Mr. MONDELL] I have liberty to make the point of order.

The CHAIRMAN. The Chair did not understand the motion of the gentleman from Kansas.

Mr. SCOTT. I move that debate close in five minutes and at that time the Chair shall rule on the point of order.

Mr. GAINES of Tennessee. Mr. Chairman, I shall not have anything to say on this, but suppose this turns out to be something important?

Mr. SCOTT. I reserve the point of order for five minutes.

Mr. MONDELL. I doubt if the amendment is subject to a point of order, and I call the chairman's attention to the language under which the forest reserves were created. The first was the act of March 3, 1891:

That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof.

And then, following that, the later act of June 4, 1897:

No public forest reservation shall be established except to improve and protect the forest within the reservation or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or of the act providing for such reservations, to authorize the including therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purposes.

Now, Mr. Chairman, territory of the sort described in my amendment, included in a forest reserve, is not properly within the reserve. I provide that if 50 per cent of the land shall be in private ownership, and not more than 25 per cent of the remaining land shall be covered with timber, that no part of this appropriation shall be used for the purpose of administering such territory clearly illegally within a reserve. I regret very much, Mr. Chairman, that there has disappeared from my desk a map of a portion of the Bear Lodge Forest Reserve, in my State, clearly indicating that in a part of this particular reserve—and I use it only as an illustration of conditions that exist largely throughout all the States and Territories containing reserves—that this particular portion of this reservation, averaging about 5 miles wide and about 13 or 14 miles long, being in the shape of an hour glass, narrow in the center and wide at the ends, within that territory there is less than

50 per cent of the land in public ownership; that as regards the balance of the territory, it is clearly indicated in petitions I have in my hand—and I may say that I have personal knowledge of the territory, as it has a public road its entire length, over which I have driven and ridden many a time—that not over 10 per cent has any forest whatever, and no part of the territory contains merchantable timber.

I have a petition here which was filed with the Chief Forester, I think about a year and a half ago, signed by over 240, as I recollect it, people living immediately surrounding this territory and within this territory, protesting against the inclusion of this land in a forest reserve. When they inclose land in a forest reserve it compels those living in the country around about, whether they intend that their stock should drift upon the reserve or not, to take our permits for the grazing of their stock, lest, perchance, in the drifting of stock, as it drifts in that territory, on the open range, it might wander upon Government land, and a farmer living 4 or 5 miles away be subject to be haled before a Federal court 500 miles away and his property and liberty placed in jeopardy.

Mr. Chairman, the inclusion and maintenance of such territory in forest reserves is a shame, and yet we have appealed in vain to have this territory restored to the public domain that farms and homes may be established. In a letter which I wrote to the Chief Forester in regard to this matter I called his attention to the fact that in all conscience we have little enough land in our country that can be profitably farmed without taking farming land for forest reserves. This territory consists of a long slope of mesa running from a low mountain top to the valley of the Belle Fourche River, and is largely adapted to farming. The Chief Forester says that if it were adapted to farming the farmers would have settled there long ago. Why, surrounding it there are millions of acres of land that will some time be farmed, and the same argument would apply to that, and thus justify its inclusion in a reserve. Such territory does not belong in a forest reserve, and if placed in reserve should promptly be excluded.

Mr. SCOTT. The amendment clearly places a limitation upon the authority which the Secretary has now under the general law. I insist that it is out of order and make the point of order against it.

The CHAIRMAN. The Chair will ask the gentleman from Kansas, in charge of the bill, Was there any other limitation on the whole provision offered by the committee?

Mr. SCOTT. As I recollect the amendment, it deprives the Secretary of the authority to sell timber or to issue grazing permits on the land referred to. Undoubtedly he has the right to do both of those things under existing law; and yet it gives no money to do them, and if this appropriation is denied, then his authority, practically, is denied, because he will not have the means wherewith to carry his authority into effect.

The CHAIRMAN. It seems to the Chair that this amendment is simply a straight limitation upon the appropriation.

Mr. SCOTT. May I have the amendment reported again?

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The amendment was again reported.

Mr. SCOTT. It seems to me that the amendment seeks indirectly to declare that there shall be no timber sold nor grazing permits issued on certain land described. Now, it is clear that a parliamentary body can not do indirectly what it is not permitted to do directly; and therefore the point of order ought to be sustained.

The CHAIRMAN. Some months ago we were legislating in regard to Soldiers' Homes, appropriating money for the support of Soldiers' Homes, and an amendment was adopted providing that none of the money so appropriated shall be used for any Home where intoxicating liquors were sold. Now, it seems to the Chair that this is clearly analogous to that—this withholding the appropriations in certain forest reserves.

Mr. POLLARD. May I have just a word? It seems to me, Mr. Chairman, that this is a very different question. Under existing law the Secretary of Agriculture has authority to administer forest reserves in general, such as are described by this amendment—that is, where 50 per cent of the land is held by private parties. If this amendment carries, the effect of it certainly is to take from the Secretary the power to administer these reserves under such conditions, and to that extent is legislation.

The CHAIRMAN. But the gentleman does not deny that Congress might withhold the entire appropriation.

Mr. POLLARD. That is very true.

The CHAIRMAN. So here it simply reserves a part of it, and controls or restrains to that extent.



Mr. GAINES of Tennessee. On the point of order, Congress could do that, but would not that in itself be a change of law? It seems to me that here is not only one limitation, but here are two.

The CHAIRMAN. It has not been held so, according to all precedents.

Mr. GAINES of Tennessee. If the Chairman will indulge me a moment, if we took all the money away from the Secretary of Agriculture, we certainly would change existing law, because the law is that certain things shall be done and that we shall do them and pay for them. Now, they would not and could not be done unless they were paid for, and by taking away the money to do them to that extent certainly would be a change of existing law. If we can do it in one of the things, we can do it in all of the things. Now, I do not know what virtue there is in the amendment, or the law, nor what evil it undertakes to cure, but I am talking about a parliamentary proposition.

The CHAIRMAN. The Chair is clearly of the opinion that this is a straight limitation upon this appropriation, and so the Chair overrules the point of order.

Mr. MONDELL. I call for a vote on the amendment.

Mr. CLARK of Missouri. Mr. Chairman, I should like to ask the gentleman from Wyoming a question about the phraseology of that amendment. He talks about the "administration of the land." What does that mean?

Mr. MONDELL. A forest reserve consists of land.

Mr. CLARK of Missouri. But I am talking about the use of the word "administration"—the "administration of the land." I do not believe that is a phrase that anybody can understand.

Mr. MONDELL. I do not know what other word I should use. You could not say in this case "administration of the timber," for there is no timber.

Mr. CLARK of Missouri. I know, but that would be worse than this.

Mr. MONDELL. I am using the only words, so far as I know, that would apply.

Mr. CLARK of Missouri. What do you mean by the "administration of the land?"

Mr. MONDELL. The word "management" might please the gentleman better and might be more appropriate.

Mr. CLARK of Missouri. It is not a matter of pleasing me.

Mr. MONDELL. I think the Department will understand that they are not to use this appropriation for any purpose within the reserve.

Mr. REEDER. Does not this amendment provide that if there is the heaviest kind of timber on a portion of a township, if it does not come up to a certain amount, then that timber can not be taken charge of by the Forestry Department?

Mr. MONDELL. If there is not 25 per cent of the half of the land owned by the Government that has timber on it, then it can not be administered.

Mr. REEDER. Suppose there is 20 per cent of the township which is heavy timber?

Mr. MONDELL. That is a very violent supposition, so far as my knowledge goes.

Mr. REEDER. That is true of many townships in the West, and suppose that this 20 per cent is all that is in the forest reserve. Then the Forestry Department can not control it if your amendment becomes law.

Mr. MONDELL. No; but they can cut down the forest reserve until it shall include only the timber land, and then they can administer it; but so long as they keep all creation within the reserve they could not, under the amendment, administer. They could not administer all of a State under forest reserve regulation, because there may be a patch of timber here or there on some mountain side.

Mr. REEDER. Suppose in a particular township there is 20 per cent solid timber, and that 20 per cent and no more of the township is in the forest reserve. According to your amendment they can not control that timber.

Mr. MONDELL. They can.

Mr. REEDER. They can not.

Mr. MONDELL. They can, by the very simple process of changing its status by a proclamation excluding from that township of the reserve the nontimbered lands.

Mr. REEDER. I have already excluded that in my supposition. There is nothing but heavy timbered land in the 20 per cent of the township which is covered by the reserve.

Mr. MONDELL. Oh, the gentleman does not understand the amendment. The amendment does not apply. It says that where only one-half of it is in forest reserve.

Mr. REEDER. It does apply, and I ask for another reading of the amendment. I want to show the gentleman that it does include just what I say.

The CHAIRMAN. Without objection, the amendment will again be reported.

The Clerk again read the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I send to the desk an amendment which I offer—

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. We are appropriating a great deal of money here, and showing a great deal of solicitude about forest preservation. I should like to ask the gentleman in charge of the bill what are we doing especially, if anything, toward preserving the tree or the forest from which we get the wood pulp?

Mr. SCOTT. The wood-pulp tree has the same protection that every other wood has, and no more.

Mr. GAINES of Tennessee. Are we doing anything to grow more trees?

Mr. SCOTT. No; except in a general way, by propagating and preserving the forests.

Mr. GAINES of Tennessee. Why I ask the question is that we know that there is a great deal of solicitude being expressed about the destruction of forests from which we get the pulp wood and of which we make the paper to print newspapers and books. We have heard a number of learned arguments on the subject. Some say that the forests will soon be destroyed and made into paper, etc.

The idea has been suggested from time to time that where we permit one great tree to be cut down in the forest, we ought to require the man who does it to plant two more of the same kind. I made a suggestion like that myself three or four years ago, when we had up a Wisconsin park matter, and I think the policy should be adopted.

I was reminded of this by receiving a telegram since I have been on the floor, addressed to me, from William J. Ewing, manager of the National American, of Tennessee. It says:

Please use all your influence toward advancing the putting of wood pulp on the free list.

I have been doing that and have successfully failed. [Laughter.] But I am not discouraged, not in the least; we will show the people by our works here in the minority what we would do if in the majority. There are some people who don't fully realize yet that the Democrats do not control Congress. I have been twelve years here in prison, legislatively speaking. [Laughter.] A Republican Administration all the time. I would like to have the tariff taken off of wood pulp. I do not think we will get it off until we reduce the Republican majority to minority.

Away back yonder near the beginning of legislation about the trust question Mr. Sherman, that great economist and great student, said that if the tariff protected the trusts, or made the trusts, he would at once free list the monopolized article. He said that in 1884 or 1890. Other great Republicans, Mr. Reed, Mr. Hale, and others said, before 1890, the same thing about the salt monopoly. A number of great thinkers to-day have suggested that remedy as a cure for the trusts. You all know that this paper trust exists and I am not talking politics. I asked the gentleman from Kansas a business proposition, and I make these suggestions as the best proposition for the present and looking into the future. We are not going to live always, but there will be Representatives here and they and the people will have to have newspapers and books, and certainly we should at once rid the present of this trust and begin to protect this wood-pulp tree. I submit that we ought to start a plan that would require any man who cuts down one of these trees on Federal property to put out two more in lieu thereof, and a State law should cover in the same way the State lands.

Mr. AIKEN. Mr. Chairman, the gentleman from Tennessee says that he has been in prison twelve years. I would like to ask him if he has anything to his credit for good behavior? [Laughter.]

Mr. GAINES of Tennessee. Well, I behave as well as I can in a legislative menagerie such as we have here, which always runs counter to the wisdom which I suggest. [Laughter.]

Mr. AIKEN. Mr. Chairman, I desire to extend my remarks in the RECORD by printing some statistics on the Appalachian Park measure.

Mr. SCOTT. Mr. Chairman, I must object to the request of the gentleman from South Carolina. I should like to state that when the committee rose last Saturday night I asked unanimous consent for general leave to print on this bill for five legislative days, and the gentleman from Mississippi [Mr. WILLIAMS] objected, which was clearly within his right.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word.

Mr. MONDELL. Mr. Chairman, I ask to have the amendment which I have sent to the desk read.

Mr. WILLIAMS. Mr. Chairman—

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

*Provided further,* That no part of this appropriation shall be used for the negotiation of any sale of timber in any national forest at a price above what would constitute a fair and reasonable price for such timber were it sold in competition with timber of a like character in the same locality on land in private ownership.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word.

Mr. SCOTT. I reserve a point of order against that amendment, and I move that the committee do now rise.

The question was taken, and on a division (demanded by Mr. WILLIAMS) there were—ayes 55, noes 34.

Mr. WILLIAMS. Mr. Chairman, I suggest the absence of a quorum.

The CHAIRMAN. It does not take a quorum for the committee to rise.

Mr. WILLIAMS. I call for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. WILLIAMS and Mr. SCOTT.

Mr. WILLIAMS. Mr. Chairman, I am willing to withdraw the demand—

Mr. PAYNE. Regular order.

The CHAIRMAN. The regular order is demanded.

The committee divided, and the tellers reported that there were—ayes 57, noes 47.

So the motion was agreed to.

The committee determined to rise; and the Speaker having resumed the chair, Mr. FOSTER of Vermont, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19158, the agricultural appropriation bill, and had come to no resolution thereon.

#### SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, the following concurrent resolution was taken from the Speaker's table and referred to its appropriate committee as indicated below:

Senate concurrent resolution 48.

*Resolved by the Senate (the House of Representatives concurring).* That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made for a project of improvement of Wood River from the point where it empties into Klamath Lake in Klamath County, Oreg., to the head of navigation, and report the same to Congress—

to the Committee on Rivers and Harbors.

#### ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5589. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

#### SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4831. An act for the relief of Pembroke B. Banton—to the Committee on Claims.

S. 6257. An act authorizing the Secretary of War to expend \$300,000 in protecting the banks of the Mississippi River at New Orleans, La.—to the Committee on Levees and Improvement of the Mississippi River.

S. 3023. An act to amend the national banking laws—to the Committee on Banking and Currency.

S. R. 71. Joint resolution to provide for the removal of obstructions from the main ship channel, Key West Harbor, Florida—to the Committee on Rivers and Harbors.

#### ADJOURNMENT.

Mr. SCOTT. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion of the gentleman from Kansas, that the House do now adjourn.

The question was taken, and on a division (demanded by Mr. WILLIAMS) there were—ayes 65, noes 45.

Mr. WILLIAMS. Mr. Speaker, in order to save the time of the House, I demand the yeas and nays upon that proposition.

The yeas and nays were ordered.

The question was taken, and there were—yeas 102, nays 88, answered "present" 3, not voting 195, as follows:

#### YEAS—102.

Adair	Ellis, Mo.	Humphrey, Wash.	Murdock
Allen	Ellis, Oreg.	Jenkins	Needham
Bannon	Esch	Jones, Wash.	Nelson
Barclay	Focht	Kahn	Norris
Bates	Fordney	Keller	Olsted
Bonyne	Foss	Kinkaid	Payne
Boyd	Foster, Vt.	Knapp	Perkins
Brownlow	Foulkrod	Knowland	Pollard
Burton, Del.	Fowler	Küstermann	Pray
Burton, Ohio	French	Lafean	Reeder
Campbell	Gaines, W. Va.	Langley	Reynolds
Capron	Gardner, Mich.	Lanin	Rodenberg
Cary	Graham	Lilly	Scott
Caulfield	Greene	Lindbergh	Smith, Cal.
Chapman	Haggott	Lovering	Smith, Iowa.
Cocks, N. Y.	Hall	McCreary	Stafford
Conner	Hamilton, Mich.	McKinley, Cal.	Sturgiss
Cook, Colo.	Haskins	McKinley, Ill.	Tawney
Crumpacker	Haugen	McKinney	Tirrell
Dalzell	Hawley	McLaughlin, Mich.	Volstead
Darragh	Hepburn	McMorran	Vreeland
Davidson	Higgins	Madison	Wheeler
Davis, Minn.	Hill, Conn.	Mann	Wood
Diekema	Howell, Utah	Marshall	Young
Douglas	Hubbard, W. Va.	Mondell	
Dwight	Hughes, W. Va.	Morse	

#### NAYS—88.

Aiken	Edwards, Ga.	Howard	Pou
Alexander, Mo.	Ferris	Hull, Tenn.	Randell, Tex.
Ashbrook	Fitzgerald	Humphreys, Miss.	Ransdell, La.
Bartlett, Nev.	Floyd	Johnson, Ky.	Richardson
Bell, Ga.	Foster, Ill.	Johnson, S. C.	Rucker
Booher	Fulton	Keliber	Russell, Mo.
Broussard	Gaines, Tenn.	Kimball	Russell, Tex.
Burgess	Garrett	Kipp	Sheppard
Burleson	Gill	Lamar, Fla.	Sherley
Byrd	Godwin	Lamar, Mo.	Slyden
Caldwell	Gordon	Lamb	Small
Candler	Griggs	Leake	Smith, Tex.
Carlin	Hackney	Lee	Sparkman
Carter	Hamill	Lever	Sulzer
Clark, Mo.	Hamlin	Lewis	Taylor, Ala.
Clayton	Hammond	McLain	Thomas, N. C.
Cooper, Tex.	Hardwick	Macon	Tou Velle
Cox, Ind.	Hardy	Moore, Tex.	Watkins
Cravens	Hay	Murphy	Webb
Crawford	Heflin	Padgett	Weisse
De Armond	Helm	Page	Wiley
Denver	Houston	Patterson	Williams

#### ANSWERED "PRESENT"—3.

Adamson	Foster, Ind.	Howland
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#### NOT VOTING—195.

Acheson	Driscoll	Kennedy, Iowa	Prince
Alexander, N. Y.	Dunwell	Kennedy, Ohio	Pujo
Ames	Durey	Kitchin, Claude	Ralney
Andrus	Edwards, Ky.	Kitchin, Wm. W.	Rauch
Ansberry	Ellerbe	Knopf	Reld
Anthony	Englebright	Landis	Rhinock
Barchfeld	Fairchild	Lassiter	Riordan
Bartholdt	Fassett	Law	Roberts
Bartlett, Ga.	Favrot	Lawrence	Robinson
Beall, Tex.	Finley	Legare	Rothermel
Beale, Pa.	Flood	Lenahan	Ryan
Bede	Fornes	Lindsay	Sabath
Bennet, N. Y.	Fuller	Littlefield	Saunders
Bennett, Ky.	Gardner, Mass.	Livingston	Shackelford
Bingham	Gardner, N. J.	Lloyd	Sherman
Birdsall	Garner	Longworth	Sherwood
Boutell	Gilbams	Lorimer	Sims
Bowers	Gillespie	Loud	Slemp
Bradley	Gillett	Loudenslager	Smith, Mich.
Brantley	Glass	Lowden	Smith, Mo.
Brick	Goebel	McCall	Snapp
Brodhead	Goldfogla	McDermott	Southwick
Brumm	Goulden	McGavin	Sperry
Brundidge	Graff	McGuire	Spight
Burke	Granger	McHenry	Stanley
Burleigh	Gregg	McLachlan, Cal.	Steenerson
Burnett	Gronna	McMillan	Stephens, Tex.
Butler	Hackett	Madden	Sterling
Calder	Hale	Malby	Stevens, Minn.
Calderhead	Hamilton, Iowa	Maynard	Sulloway
Chaney	Harding	Miller	Talbot
Clark, Fla.	Harrison	Moon, Pa.	Taylor, Ohio
Cockran	Hayes	Moon, Tenn.	Thistlewood
Cole	Henry, Conn.	Moore, Pa.	Thomas, Ohio
Cook, Pa.	Henry, Tex.	Mouser	Townsend
Cooper, Pa.	Hill, Miss.	Mudd	Underwood
Cooper, Wis.	Hinshaw	Nicholls	Waldo
Coudrey	Hitchcock	Nye	Wallace
Cousins	Hobson	O'Connell	Wanger
Craig	Holliday	Olcott	Washburn
Currier	Howell, N. J.	Overstreet	Watson
Cushman	Hubbard, Iowa	Parker, N. J.	Weeks
Davenport	Huff	Parker, S. Dak.	Weems
Davey, La.	Hughes, N. J.	Parsons	Willett
Dawes	Hull, Iowa	Pearre	Wilson, Ill.
Dawson	Jackson	Peters	Wilson, Pa.
Denby	James, Addison D.	Porter	Wolf
Dixon	James, Ollie M.	Powers	Woodyard
Draper	Jones, Va.	Pratt	

So the motion was agreed to.



The Clerk announced the following pairs—For the vote:

Mr. ALEXANDER of New York with Mr. BOWERS.  
 Mr. ACHESON with Mr. BEALL of Texas.  
 Mr. AMES with Mr. BRODHEAD.  
 Mr. ANTHONY with Mr. BRUNDIDGE.  
 Mr. BARCHFELD with Mr. BURNETT.  
 Mr. BIRDSALL with Mr. COCKRAN.  
 Mr. BOUTELL with Mr. CLARK of Florida.  
 Mr. BRICK with Mr. CRAIG.  
 Mr. BURKE with Mr. DAVEY of Louisiana.  
 Mr. BURLEIGH with Mr. LEGARE.  
 Mr. CALDER with Mr. LENAHER.  
 Mr. CALDERHEAD with Mr. LINDSAY.  
 Mr. CHANEY with Mr. LIVINGSTON.  
 Mr. COOK of Pennsylvania with Mr. McDERMOTT.  
 Mr. COOPER of Pennsylvania with Mr. LLOYD.  
 Mr. COOPER of Wisconsin with Mr. MAYNARD.  
 Mr. COUDREY with Mr. McHENRY.  
 Mr. COUSINS with Mr. MOON of Tennessee.  
 Mr. CURRIER with Mr. FINLEY.  
 Mr. CUSHMAN with Mr. NICHOLLS.  
 Mr. DAWSON with Mr. RAINEY.  
 Mr. LOUDENSLAGER with Mr. PETERS.  
 Mr. LOUDEN with Mr. O'CONNELL.  
 Mr. MALBY with Mr. REID.  
 Mr. MILLER with Mr. RHINOCK.  
 Mr. MOUSER with Mr. SABATH.  
 Mr. OLCOTT with Mr. SHERWOOD.  
 Mr. PRINCE with Mr. SAUNDERS.  
 Mr. ROBERTS with Mr. SHACKLEFORD.  
 Mr. BUTLER with Mr. BARTLETT of Georgia.  
 Mr. BARTHOLDT with Mr. GLASS.  
 Mr. MADDEN with Mr. SIMS.  
 Mr. DENBY with Mr. ELLERBE.  
 Mr. PEARRE with Mr. ROBINSON.  
 Mr. DRAPER with Mr. FLOOD.  
 Mr. DUNWELL with Mr. FAVROT.  
 Mr. DUREY with Mr. GARNER.  
 Mr. FAIRCHILD with Mr. GILLESPIE.  
 Mr. FULLER with Mr. GOLDFOGLE.  
 Mr. GILLET with Mr. GRANGER.  
 Mr. GOEBEL with Mr. GREGG.  
 Mr. HALE with Mr. HACKETT.  
 Mr. HINSHAW with Mr. HARRISON.  
 Mr. HARDING with Mr. HENRY of Texas.  
 Mr. HOLLIDAY with Mr. HILL of Mississippi.  
 Mr. HOWELL of New Jersey with Mr. HUGHES of New Jersey.  
 Mr. HUBBARD of Iowa with Mr. HITCHCOCK.  
 Mr. HUFF with Mr. HOESON.  
 Mr. HULL of Iowa with Mr. OLLIE M. JAMES.  
 Mr. LAW with Mr. CLAUDE KITCHIN.  
 Mr. LAWRENCE with Mr. WILLIAM W. KITCHIN.  
 Mr. LONGWORTH with Mr. LASSITER.  
 Mr. WOODYARD with Mr. WALLACE.  
 Mr. WATSON with Mr. WOLF.  
 Mr. WALDO with Mr. WILSON of Pennsylvania.  
 Mr. TOWNSEND with Mr. WILLETT.  
 Mr. THOMAS of Ohio with Mr. UNDERWOOD.  
 Mr. TAYLOR of Ohio with Mr. STEPHENS of Texas.  
 Mr. SLEMP with Mr. STANLEY.  
 Mr. SOUTHWICK with Mr. SPIGHT.  
 Mr. SMITH of Michigan with Mr. SMITH of Missouri.  
 Mr. PARSONS with Mr. RYAN.  
 Until further notice:  
 Mr. FOSTER of Indiana with Mr. BRANTLEY.  
 Mr. OVERSTREET with Mr. DIXON.  
 Mr. GILHAMS with Mr. RAUCH.  
 For the day:  
 Mr. MUDD with Mr. TALBOTT.  
 Mr. ANDRUS with Mr. PUJO.  
 Mr. FASSETT with Mr. ROTHERMEL.  
 Mr. BINGHAM with Mr. JONES of Virginia.  
 Mr. MOORE of Pennsylvania with Mr. DAVENPORT.  
 Mr. KENNEDY of Iowa with Mr. HAMILTON of Iowa.  
 Mr. POWERS with Mr. PRATT.  
 Until April 4:  
 Mr. HOWLAND with Mr. ANSEBERRY.  
 For the session:  
 Mr. BENNET of New York with Mr. OLLIE M. JAMES.  
 Mr. WANGER with Mr. ADAMSON.  
 Mr. BRADLEY with Mr. GOULDEN.  
 Mr. SHERMAN with Mr. RIORDAN.  
 The result of the vote was announced as above recorded.  
 Accordingly (at 5 o'clock and 32 minutes p. m.) the House adjourned until to-morrow at 12 o'clock.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20062) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 1341), which said bill and report were referred to the Private Calendar.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 19859) to provide for the payment of certain volunteers who rendered service to the Territory of Oregon in the Cayuse Indian war of 1847 and 1848, reported the same with amendment, accompanied by a report (No. 1343), which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the Senate (S. 2969) for the relief of O. Maury & Co., of Bordeaux, France, reported the same without amendment, accompanied by a report (No. 1344), which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 19987) granting an increase of pension to Allen Demarer—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20061) granting a pension to Edgar C. Sturges—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions: A bill (H. R. 20062) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. GARDNER of Michigan, from the Committee on Appropriations: A bill (H. R. 20063) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1909, and for other purposes—to the Union Calendar.

By Mr. CARLIN: A bill (H. R. 20064) to provide the United States Army, Navy, Marine Corps, and National Guard with a suitable rifle range for small-arms practice near Washington, D. C.—to the Committee on Military Affairs.

By Mr. HAMLIN: A bill (H. R. 20065) to provide for the erection of a public building in the city of Lexington, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. MOORE of Texas: A bill (H. R. 20066) for the purchase of a site for a Federal building for the United States post-office at Navasota, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. BROUSSARD: A bill (H. R. 20067) to provide for a preliminary examination and survey of Bayou Black, Louisiana—to the Committee on Rivers and Harbors.

By Mr. HULL of Iowa: A bill (H. R. 20068) for the purchase of a tract of land adjacent to the rifle range at Fort Des Moines, Iowa—to the Committee on Military Affairs.

By Mr. ANDREWS: A bill (H. R. 20069) appropriating a sum of money for the construction of a road in the Sacramento Mountains, in the Territory of New Mexico—to the Committee on Appropriations.

By Mr. BYRD: A bill (H. R. 20070) to provide for the construction of an annex to the public building in the city of Meridian, Miss., and appropriating \$75,000 therefor—to the Committee on Public Buildings and Grounds.

By Mr. SULZER: A bill (H. R. 20071) to repeal the duties on wood pulp and printing paper—to the Committee on Ways and Means.

Also, a bill (H. R. 20072) to place lumber, wood pulp, and works of art on the free list—to the Committee on Ways and Means.

By Mr. TAYLOR of Ohio: A bill (H. R. 20108) prescribing the mode of executing the death sentence within the District of Columbia—to the Committee on the District of Columbia.

By Mr. SULZER: A bill (H. R. 20109) for the relief of the victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. FULLER: Resolution (H. Res. 317) requesting Ways and Means Committee to report a bill repealing the duties on wood pulp and print paper and placing said articles on the free list—to the Committee on Rules.

By Mr. LEE: Resolution (H. Res. 318) referring certain claims to the Court of Claims for a finding of facts under the provisions of the Tucker Act—to the Committee on War Claims.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of Missouri: A bill (H. R. 20073) granting a pension to Harrison R. Crecelius—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20074) granting a pension to Hiram C. Vinsale—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 20075) granting a pension to Alvina McCabe—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 20076) granting an increase of pension to Newton Wilson—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 20077) granting an increase of pension to Harvey Jewell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20078) granting an increase of pension to U. G. Sanger—to the Committee on Pensions.

By Mr. CALDERHEAD: A bill (H. R. 20079) granting an increase of pension to M. V. B. Cale—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 20080) for the relief of W. L. B. Wheeler, of Prince William County, Va.—to the Committee on War Claims.

By Mr. CRAVENS: A bill (H. R. 20081) for the relief of vestry of Trinity Protestant Episcopal Church, of Van Buren, Ark.—to the Committee on War Claims.

By Mr. DENBY: A bill (H. R. 20082) granting a pension to Julia E. Willcox—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 20083) for the relief of Joseph G. McNutt—to the Committee on Military Affairs.

Also, a bill (H. R. 20084) for the relief of Mrs. J. Walter Jones—to the Committee on War Claims.

By Mr. EDWARDS of Georgia: A bill (H. R. 20085) for the relief of the Lutheran Church of the Ascension, of Savannah, Ga.—to the Committee on War Claims.

By Mr. FLOYD: A bill (H. R. 20086) granting an increase of pension to William M. Boyd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20087) granting an increase of pension to James Perrin, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20088) granting a pension to Ellen Scott—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 20089) granting a pension to Alfred Levick—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 20090) granting an increase of pension to Henry O. Parker—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 20091) granting a pension to Margaret P. Wilson—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 20092) granting a pension to Cornelius Hickey—to the Committee on Pensions.

By Mr. KÜSTERMANN: A bill (H. R. 20093) granting an increase of pension to Charles H. Hilfert—to the Committee on Invalid Pensions.

By Mr. McMILLAN: A bill (H. R. 20094) granting a pension to Prudence Dutcher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20095) granting an increase of pension to Hiram E. Hubbard—to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 20096) granting an in-

crease of pension to George W. Carroll—to the Committee on Invalid Pensions.

By Mr. NELSON: A bill (H. R. 20097) granting an increase of pension to William Mullenbaur—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 20098) granting a pension to Alexander C. Kisse—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 20099) granting an increase of pension to Griffin P. Theobald—to the Committee on Pensions.

Also, a bill (H. R. 20100) for the relief of the estate of Stephen Camplin—to the Committee on War Claims.

By Mr. SLEMP: A bill (H. R. 20101) granting an increase of pension to William L. Beverly—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 20102) granting a pension to M. A. Sipe—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 20103) to remove charge of desertion from the record of Hezekiah R. Hubbell—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 20104) granting a pension to William P. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20105) granting an increase of pension to Adam Caszett—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 20106) granting an increase of pension to Eli S. Adams—to the Committee on Invalid Pensions.

By Mr. KEIFER: A bill (H. R. 20107) granting an increase of pension to Joseph P. Clark—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAIR: Petition of citizens of New York and vicinity, for relief for heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. ALEXANDER of New York: Petition of E. J. Dryer and others, against religious legislation for the District of Columbia (H. R. 4897)—to the Committee on the District of Columbia.

By Mr. ASHBROOK: Papers to accompany bills for relief of Harvey Jewell and Frank S. Mathews—to the Committee on Pensions.

Also, petition of National Grange, for the creation of a national highway commission and for appropriation to give Federal aid to the States in highway construction (H. R. 15837)—to the Committee on Agriculture.

Also, petition of National Grange, for creation of a national highway commission and making appropriation for construction and improvement of public highways—to the Committee on Agriculture.

Also, petition of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, for H. R. 14941, amending section 4463 of Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. BOOHER: Petition of citizens of Buchanan and Holt counties, Mo., against religious legislation in the District of Columbia (H. R. 4897)—to the Committee on the District of Columbia.

By Mr. BROUSSARD: Paper to accompany bill for relief of Felix Patout, administrator of estate of Appoline Fournier Patout—to the Committee on War Claims.

By Mr. BURLEIGH: Petition of citizens of Fairfield, Me., for S. 5122, for rural parcel post—to the Committee on Agriculture.

Also, petition of citizens of Maine, for a national highway commission and appropriation for Federal aid in building highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. CALDER: Petition of legislative committee of the National Grange, favoring H. R. 15837, for a national highway commission and appropriation for Federal aid in road building—to the Committee on Agriculture.

By Mr. CALDERHEAD: Petition of Arthur Bailey, for a copyright law to protect musical composers—to the Committee on Patents.

Also, petition of Peace Association of Friends, of Philadelphia, against building four more battle ships—to the Committee on Naval Affairs.

Also, petition of C. A. Scott, favoring H. R. 9219, for appropriation for forestry experiments and instructions at all agri-



cultural colleges and experiment stations, as per the Morrill Act—to the Committee on Agriculture.

Also, petition of Universalist Club, of Haverhill, Mass., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Hamilton County League of Builders' Association, for amendment of H. R. 18525, a bill relating to public revenue, so as to exempt building and loan associations—to the Committee on Ways and Means.

Also, petition of Rev. S. E. Greer, of Miltonvale, Kans., for the Littlefield original-package bill (H. R. 4776)—to the Committee on the Judiciary.

Also, petition of Rev. Edward E. Petschke, German Baptist Church, favoring the Crumpacker bill for review of fraud orders by the courts—to the Committee on the Post-Office and Post-Roads.

Also, petition of farmers of Delphos, Kans., favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Philadelphia Credit Men's Association, against the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of prominent citizens of Salina, Kans., against the Aldrich and Fowler currency bills and in favor of the McKinney currency bill (H. R. 15262)—to the Committee on Banking and Currency.

Also, petition of National Association of Clothiers, against S. 3023, the Aldrich currency bill, and in favor of H. R. 12677, the Fowler currency bill—to the Committee on Banking and Currency.

By Mr. COOK of Pennsylvania: Petitions of Marine Engineers' Beneficial Association No. 35, of San Francisco, and California Harbor, No. 15, American Association of Masters, Mates, and Pilots, for enactment of H. R. 14941, amending section 4463 of Revised Statutes of United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. DALZELL: Petition of jewelers of Pittsburg, Pa., against H. R. 18446, to regulate the making of watch cases—to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Minnesota: Petition of Michael Cook Post, Grand Army of the Republic, of Faribault, Minn., against discontinuance of United States pension agencies—to the Committee on Appropriations.

Also, petition of Minnesota Federation of Women's Clubs, favoring the Norris Act, setting apart 231,000 acres as forestry lands, including Lake Cass—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Henry Denzer—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., for H. R. 14941, amending section 4463 of Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Hamilton Grange, No. 648, Patrons of Husbandry, and M. J. Oliver and others, for a national highway commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. DUREY: Petition of Gansevoort Grange, Saratoga Springs, N. Y., favoring S. 5122, for rural-delivery parcels post on rural-delivery routes—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIS of Oregon: Petition of Mosier Grange, No. 232, of Mosier, Oreg., for a national highway commission and making appropriation for construction and improvement of public highways—to the Committee on Agriculture.

Also, petition of A. T. Welch and 18 others, of Oregon, favoring the Hepburn-Dolliver bill and the Littlefield original-package bill (H. R. 4776) and all bills of a kindred nature—to the Committee on Agriculture.

By Mr. FITZGERALD: Petition of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, favoring H. R. 14941, amending section 4463 of Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Charles Schiner and 27 others, citizens of New York City, for relief for heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. FLOYD: Papers to accompany bills for relief of James Perrin, jr., Ellen Scott, and Warren Mallory—to the Committee on Invalid Pensions.

Also, a petition of citizens of Arkansas, against religious legislation for the District of Columbia (H. R. 4897)—to the Committee on the District of Columbia.

Also, petition of citizens of Arkansas, against stock gambling and trading in futures—to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of the National Association of Clothiers, against the Aldrich currency bill (S. 3023) and in favor of the Fowler bill (H. R. 12677)—to the Committee on Banking and Currency.

Also, petition of Alex H. Revell, of Chicago, for insuring bank deposits—to the Committee on Banking and Currency.

Also, petition of Col. Henry Richings, of Rockford, Ill., for H. R. 14783, to amend act to promote efficiency of the militia—to the Committee on Militia.

By Mr. GARRETT: Paper to accompany bill for relief of Henry O. Parker—to the Committee on Invalid Pensions.

By Mr. HACKNEY: Petition of sundry citizens of the Fifteenth Congressional District of Missouri, against H. R. 4897 and 4929, to protect the first day of the week as day of rest in the District of Columbia and prohibition of labor, etc., on said day—to the Committee on the District of Columbia.

By Mr. HASKINS: Petition of Frank R. Emery and 33 others, for construction of battle ships in Government yards—to the Committee on Naval Affairs.

By Mr. HUGHES: Petition of Harry E. Cartright, for the creation of a national highway commission (H. R. 15837) and appropriation for Federal assistance in construction of public highways—to the Committee on Agriculture.

By Mr. HULL of Iowa: Petition of S. R. Dodge and others, favoring the Littlefield original-package bill, to protect no-license territory from interstate commerce in intoxicating liquors—to the Committee on the Judiciary.

Also, petition of 378 citizens of Iowa, favoring the Littlefield-McCumber-Tirrell bill, to protect no-license territory from interstate traffic in intoxicating liquor—to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: Petition of Delta Grange, No. 186, of Lynden, Wash., for H. R. 15837, for a national highways commission and for Federal aid in road construction—to the Committee on Agriculture.

Also, petition favoring closing of gates to visitors on Sundays during Alaska-Yukon-Pacific Exposition, to be held at Seattle in 1909—to the Select Committee on Industrial Arts and Expositions.

Also, petition of Lawrence (Wash.) Total Abstinence Society, against opening the gates of the Alaska-Yukon Exposition on Sundays—to the Select Committee on Industrial Arts and Expositions.

Also, petition of Lawrence (Wash.) Total Abstinence Society, against selling intoxicating liquors in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. KNOWLAND: Petition of numerous residents of Alameda County, Cal., against H. R. 4897, relative to religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. LAW: Papers to accompany H. R. 13939, granting an increase of pension to Harry Landan—to the Committee on Pensions.

By Mr. LEWIS: Paper to accompany bill for relief of Jones J. Rackley—to the Committee on Pensions.

By Mr. LILLEY: Petition of Division No. 2, Ancient Order of Hibernians, and Ladies' Auxiliary, of Derby, Conn., March 23, 1908, against any treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

By Mr. LINDBERGH: Petition of citizens of New York and vicinity, for relief for heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. LOUD: Petition of Jordan Barr and others, of Twinning, Mich., against S. 1519, to prevent Sunday banking in post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of Burt Bryce and others, against H. R. 4897 and 4929, religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Ambrose G. Franks, favoring S. 5122, to establish a rural parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: Petition of the Travelers and Merchants' Association of Baltimore, against the Aldrich currency bill (S. 3023) and in favor of the Fowler bill (H. R. 12677)—to the Committee on Banking and Currency.

Also, petition of the Retail Merchants' Association of Illinois, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Calumet Joint Labor Council, favoring construction of battle ships in navy-yards—to the Committee on Naval Affairs.

Also, petition of National Association of Clothiers, against S. 3023 (Aldrich currency bill) and favoring H. R. 12677 (Fowler currency bill)—to the Committee on Banking and Currency.

Also, petition of Philadelphia Board of Trade, against H. R. 17290, to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies"—to the Committee on the Judiciary.

Also, petition of National Guard Association of Illinois, favoring H. R. 14783, amending the act to promote efficiency of the militia—to the Committee on the Militia.

By Mr. NEEDHAM: Petition of W. P. Hoffman and other citizens of District No. 6, California, against the Penrose bill (S. 1518) for an amendment to section 3893 of the Revised Statutes—to the Committee on the Post-Office and Post-Roads.

By Mr. NORRIS: Petition of Farmers' Grain and Live Stock Association of Nebraska, favoring Federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: Papers to accompany H. R. 20050, granting an increase of pension to Alfred Gilkey—to the Committee on Invalid Pensions.

By Mr. PETERS: Petition of lumbermen of Massachusetts, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Henry L. Higginson and Richard L. Humphreys, of Boston, Mass., against building four more battle ships—to the Committee on Naval Affairs.

By Mr. PRINCE: Petitions of J. H. Walters and others and R. L. Bollman and others, of Henry County, Ill., for the Burnham parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SHERLEY: Petition of citizens of Louisville, Ky., asking that the telegraph systems of United States come under the provisions of the Erdman Act—to the Committee on Interstate and Foreign Commerce.

By Mr. SPARKMAN: Petition of the Fernandina Board of Trade, against the Frye joint resolution (S. R. 40), restricting the carrying of material and supplies to the Panama Canal in American bottoms—to the Committee on the Merchant Marine and Fisheries.

By Mr. SULZER: Petition of Emil Liebling, for a copyright law to prevent use of copyrighted melodies by phonograph and automatic piano companies—to the Committee on Patents.

Also, petition of Henry A. Mehldan, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the City Library, of Springfield, Mass., against section 33, S. 2900, to revise the acts relative to copyright—to the Committee on Patents.

Also, petition of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, against H. R. 225 and S. 5787 and in favor of H. R. 14941, all being relative to an amendment of section 4463 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. TIRRELL: Petition of E. R. Ballard and others, for the establishment of a national highways commission—to the Committee on Agriculture.

By Mr. WANGER: Petitions of Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., and California Harbor, No. 15, American Association of Masters, Mates, and Pilots, against H. R. 225 and S. 5787 and in favor of H. R. 14941, amending section 4463 of Revised Statutes—to the Committee on the Merchant Marine and Fisheries.

By Mr. WEEKS: Petition of Celtic Literary Association of North Attleboro, against a treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

By Mr. WOOD: Petition of Newark Association of Credit Men, favoring passage of H. R. 13266, amending the national bankruptcy act—to the Committee on the Judiciary.

Also, petition of Newark Association of Credit Men, of Newark, N. J., opposing passage of Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of C. R. Burnett, of Newark, N. J., favoring passage of the Fowler bill (H. R. 12677)—to the Committee on Banking and Currency.

Also, petitions of J. B. Anderson and others, of Lebanon; Ringoes Grange, No. 12; Baritan Valley Grange, No. 153; Oak Grove Grange, No. 119, of Pittstown, all in the State of New Jersey, for creation of a national highways commission and making appropriation for construction and improvement of public highways—to the Committee on Agriculture.

Also, papers to accompany bills for relief of Gilbert M. Eversman and Andrew J. Cook—to the Committee on Invalid Pensions.

## SENATE.

TUESDAY, March 31, 1908.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN and by unanimous consent, the further reading was dispensed with.

## ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the Speaker of the House had signed the enrolled bill S. 5589, an act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, and it was thereupon signed by the Vice-President.

## PROPOSED RAILROAD LEGISLATION.

The VICE-PRESIDENT. The Chair lays before the Senate resolutions of the Brotherhood of Locomotive Firemen and Enginemen of the United States, which, in the absence of objection, will be read by the Secretary.

The Secretary read as follows:

WASHINGTON, D. C., March 31, 1908.

HON. CHARLES W. FAIRBANKS,  
President of the Senate, Washington, D. C.

SIR: The undersigned, a committee representing a union meeting composed of 1,000 delegates representing the Brotherhood of Locomotive Firemen and Enginemen from thirty States, held at Masonic Temple, Washington, D. C., March 30, 1908, respectfully submit for the consideration of the Senate the following memorial adopted by said meeting:

*Resolved*, That we favor the early consideration and passage by Congress of the Hemenway-Graft bill, requiring common carriers to equip their locomotives with automatic self-dumping ash pans, thereby doing away with the necessity of men exposing themselves to danger by being compelled to go under locomotives.

*Resolved*, That we favor the passage by Congress of the La Follette-Sterling employers' liability bill, as against the Knox bill, the former being broad in its application and plain and explicit in its terms, thereby furnishing protection to a greater number of employees and their families, and being capable of intelligent understanding by those who would benefit by its provisions, while the latter bill is limited in its scope, less liberal to the employees, and contains principles which are experimental and untried in legislation and which would not be understood by many affected by it.

*Resolved*, That we are unalterably opposed to the passage of the Townsend bill, entitled "A bill to provide for the investigation of controversies affecting interstate commerce," as we believe said bill aims at Governmental regulation and control of labor disputes, is a step toward compulsory arbitration, and therefore threatens our liberties, both as employees and as citizens.

*Resolved*, That we view with increasing alarm the steady and gradual encroachment upon our liberties by Federal judges through the abuse of the power of injunction in labor disputes, such power having already been extended so as to prevent workmen from striking and from organizing. We protest against this abuse, and demand the passage by Congress of such legislation as will preserve to us our civil rights and prevent the abuse of such power in the future.

Respectfully submitted.

JOHN M. HALL,  
WILLIAM A. CAHOON,  
Committee.

Mr. CULLOM. I have been requested by some portion of the committee in charge of the resolutions to ask that they be printed as a document.

The VICE-PRESIDENT. Without objection, it is so ordered. The resolutions will lie on the table.

## PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the General Federation of Women's Clubs of Denver, Colo., praying for the enactment of legislation providing for investigating and developing the methods of treatment of tuberculosis, which was referred to the Committee on the District of Columbia.

He also presented a memorial of Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., remonstrating against the passage of House bill 225, to amend section 4463 of the Revised Statutes relating to the complement of crews of vessels, and for the better protection of life, which was ordered to lie on the table.

Mr. CULLOM presented memorials of sundry citizens of Galesburg, Pontiac, Chicago, and Streator, all in the State of Illinois, remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of Norland Grange, Patrons of Husbandry, of East Livermore, Me., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PERKINS presented a petition of the Chamber of Commerce of Stockton, Cal., praying for the enactment of legisla-